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Vanessa Redgrave in the stylish Mrs Dalloway

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ART AND MADNESS

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SECTION 3

Blair denies conversion after visits to Westminster Cathedral



Blair: reports of lone visits to RC services

By PHILIP WEBSTER AND NICHOLAS WATT

TONY BLAIR was forced to quash speculation that he was converting to Roman Catholicism last night after reports that he made lone visits to services at England's leading Catholic cathedral.

The Prime Minister's spokesman declared that Mr Blair's church-going was "none of anybody's business" and questions about his religion were "an intrusion too far". Downing Street confirmed that Mr Blair recently attended a Sunday evening service at Westminster Cathedral without his family. However, aides insisted that was his only visit on his own. Other sources claimed that the Prime Minister had been there twice without his wife Cherie and the children.

Reports on the Press Association during yesterday that Mr Blair regularly attended the church alone prompted speculation that he might soon become Britain's first Roman Catholic Prime Minister. But although it was confirmed that he regularly worships at the cathedral with his wife, a Catholic, and their children, Downing Street said that it was wrong to suggest that he often went on his own. The only occasion was three weeks ago after Mr Blair

returned from making a speech in Scarborough and his family had been to church earlier. He was accompanied by his detectives.

Faced with a barrage of questions about Mr Blair's religion his chief spokesman said: "There should be certain parts of any public figure's life that should be allowed to remain private. Where the Prime Minister goes to church is a matter for him and for his family. Nobody else. End of story." He added: "He is not converting to Catholicism."

Mr Blair is clearly at home at Catholic Mass. While Leader of the Opposition it emerged that he had taken Holy Communion while at-

sending Mass with his wife. Communion is normally restricted to baptised Catholics, although priests will not refuse to serve communion to a non-Catholic who wants to receive it. Mr Blair stopped taking communion in Catholic churches when the controversy broke.

In church circles, it is considered more likely that Mr Blair would convert after his term as prime minister ends.

Mr Blair sparked controversy after the election when he apparently rejected both of the candidates suggested for the position of the Bishop of Liverpool. The rule where- by the Prime Minister chooses one

of two candidates was established in 1977. But, previously, no Prime Minister had rejected both candidates.

Alan Clark, the Tory MP for Kensington and Chelsea and former minister, who is reported to be currently receiving instruction with a view to a possible conversion to Roman Catholicism, welcomed Mr Blair's interest in the faith. "I think it is encouraging that someone who has to deal with such weight of material responsibility finds time to consider the matters of spirit," he said.

A spokesman for the Catholic Church in England and Wales said

the question of Mr Blair's faith was entirely a matter for him. "Anyone is welcome to attend Mass without prejudice," he said.

A Church of England spokesman said that there was no reason why Mr Blair converting to Catholicism — if he did — should cause the Church difficulties.

"The Prime Minister has a role in the selection and appointment of bishops, but it is a role which comes with his or her position as Prime Minister, not with the religious affiliation of the Prime Minister."

Well-kept secret, page 2
The 'Seedlings', page 2

Secret talks on reform of Lords

By ANDREW PIERCE, POLITICAL CORRESPONDENT

CABINET ministers have embarked on secret discussions with leading Tories over the reform of the House of Lords amid fears that plans to abolish hereditary peerages will create an unworkable second chamber.

The Lord Chancellor, who chairs the Cabinet committee dealing with the issue, was behind the surprise invitation to the Tory leadership last month to engage in confidential discussions.

Lord Richard, the Leader of the Lords, and Lord Carter, the chief whip, have held two private meetings with their Tory counterparts, Lord Cranborne and Lord Strathclyde, with the blessing of Downing Street. The first meeting was shrouded in such strict secrecy it was held in a private house outside Westminster.

News of the meetings came just 24 hours after Lord Irvine of Lairg, the Lord Chancellor, told the Commons Public Administration Committee that the process was going ahead without consulting the opposition parties.

Then, he brushed aside complaints from the Tory MP Andrew Tyrie that past Governments had sought to broker a cross-party consensus on constitutional issues. "A muckle lot of good it did them," he said.

But last night Lord Cranborne said: "The contacts with us were at the initiative of the Government. They were made with the full knowledge of the Lord Chancellor. They initiated they wanted to proceed

by consensus." And senior Tories called Lord Irvine to reassure behind-the-scenes as he explained the contradictions. Mr Tyrie said: "I am appalled that he appears to have misled the committee about a crucial area of his responsibility."

The revelation of the secret talks is a sign of deepening unease in the Government over the reforms of the upper House. Spills have emerged on Lord Irvine's committee over the plan to strip hereditary peers of their voting rights within 18 months and before an alternative second chamber is in place.

The high-level meetings were ordered by Lord Irvine and Lord Richard because of concern that once the 750 hereditary peers have lost their legislative powers, the Lords will be dominated by life peers appointed by the Prime Minister.

The Tories will support only a "big bang" reform of the Lords: the removal of hereditary peers at the same time a new independent second chamber is put in place. They have described Labour's proposed upper House as the biggest quango in history and fear that once the hereditary peers have gone, Labour will abandon the next stage of the reform process. It was the failure to resolve the second stage of the reform process which caused previous attempts to founder in 1910-11, 1919, 1948, 1967 and 1988.

Lord Irvine has conceded much of the opposition criticism and is trying to reach a compromise. One serious option is a mixture of a nominated and elected second chamber. But the existence of a cross-party dialogue over the issue will fuel speculation that the Government is backing down on its plans to scrap the hereditary peers' voting rights before stage two of the reform process is in place.

That would put Lord Irvine on a collision course with Cabinet colleagues, including Jack Straw, the Home Secretary, and Ann Taylor, the

Continued on page 2, col 4



United in grief: Marie Trainor, mother of one of the murdered men, meeting David Trimble, left, and Seamus Mallon

Murdered pair 'a hope for peace'

By MARTIN FLETCHER, CHIEF IRELAND CORRESPONDENT

TWO lifelong friends, one Protestant and one Catholic, murdered by loyalist gunmen in a Co Armagh pub, emerged last night as potent new symbols of the peace and reconciliation for which Northern Ireland's politicians are striving.

Tony Blair said in the Commons that the two men had shown "that background, history and religion need not stop the two communities from living in harmony. Let their friendship stand as a symbol of the peace process and why it must succeed."

It was time for the Stormont talks to make real progress, he said, "so that hopes of the future drive out the demons of the past."

Political leaders from across the spectrum echoed that call, saying the murders should stimulate still greater efforts to attain a settlement by May. "It's a debt of honour to these men which the political process has got to pay, and now is the time to do it," said Seamus Mallon, deputy leader of the Social Democratic and Labour Party.

Philip Allen, 35, and Damien Trainor, 36, lived in the mixed village of Poyntpass and were so close that Mr Trainor was to be the best

man at Mr Allen's wedding. The pair died on Tuesday night when two masked gunmen burst into the bar where they were drinking, ordered the customers to lie on the floor and opened fire. Two other men were still in hospital last night.

Early yesterday police arrested three men from the nearby town of Banbridge. Security sources blamed the Loyalist Volunteer Force, a splinter group that opposes the peace process, and said the attack was almost certainly retaliation for the Republican bombing of Portadown, the LVF's base, last week.

They believe the bar was picked because it was owned

by a Catholic, the brother of an SDLP councillor, and was unprotected as Poyntpass had never before been touched by sectarian violence. The LVF would have had no qualms about shooting a Protestant in such circumstances. "Their attitude would be that he shouldn't have been there."

In another symbolic act Mr Mallon and David Trimble, the Ulster Unionist Party leader, visited the men's families together. Mr Trimble said he was "ashamed to think the perpetrators of this deed were Protestants". He accused them of trying to destroy hope in the talks but said: "Despite, maybe even because, of this, we are going to continue to do

our best to try and bring some political stability."

Andrew Mackay, the Shadow Northern Ireland Secretary, said the murder of two men whose friendship had bridged the sectarian divide was "particularly dreadful". "This must stimulate the constitutional parties in Northern Ireland and the two governments to search even harder for a lasting settlement in the crucial days that are left."

The LVF has murdered at least half a dozen innocent Catholics since Republicans killed its leader, Billy Wright, in the Maze prison, on December 27. Each Loyalist murder increases the pressure on the IRA to retaliate, and the IRA's army council is to review its ceasefire later this month. Opponents of the talks are expected to increase their violence still further as the settlement deadline looms.

A BBC poll last night showed that only 13 per cent of Northern Ireland's people believe that a settlement would be reached by May. Four-fifths believe terrorist splinter groups could derail the talks. Just 23 per cent believed the IRA ceasefire was permanent.



Damien Trainor, left, and Philip Allen: lifelong friends



Invasion of madness, page 5

Rail takeovers bring windfall for directors

By ARTHUR LEATHLEY AND FRASER NELSON

SEVEN former British Rail managers are in line to receive multimillion pound windfalls next week in a deal that could herald a second takeover spree within the industry.

Seven directors of Great Western, whose intercity service has been criticised for poor punctuality, will share more than £10 million if their takeover by the bus and train company FirstGroup goes ahead.

More such deals could follow in the next 18 months as other former BR managers look to sell their franchises before stricter regulations come into force. About 13 managers stand to make about £1 million each if the predicted wave of mergers and sales materialises.

The prospect of such windfalls will reinforce the suspicion that the railways were sold at a bargain price, and a National Audit Office report today heavily criticises the last Government for privatising the rolling stock arm of the industry too cheaply.

The three leasing companies — which own 11,000 trains — raised £1.8 billion, but within two years they had

been sold on for £2.65 million, making multimillions of some managers.

The report suggests that the Tories were in such a hurry to push through the privatisation in 1995 that they failed to carry out a proper valuation of the three companies and criticised their failure to make provision to share in any gains if the companies were sold on.

John Prescott, the Deputy Prime Minister, is expected to impose new restrictions on the leasing companies next month and will cite the report as proving the companies were sold too cheaply. John O'Brien, the franchising director, will also impose new conditions and performance targets before approving the Great Western deal.

Under the proposed merger, FirstGroup will operate the Great Western intercity services from south Wales and the South-West and North Western trains as well as the Great Eastern services from Essex and Suffolk.

Analysts believe that other small rail firms are ripe for takeover, since their profitability will fall as government subsidies are reduced.

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One-year-old who walks tall

Only a year after he was born, Ethan Gilby is as strong as his four-year-old sister and is rapidly catching up his 5ft 2in mother in height.

Ethan, who started walking last week, weighs 32lb, is 3ft tall and wearing clothes designed for three-year-olds. He weighed 12lb 4oz at birth, when four midwives helped during the 19-hour delivery.



Cook acts on Kosovo flare-up

By MICHAEL BINYON, DIPLOMATIC EDITOR

BRITAIN last night moved quickly to try to avert an explosion of violence in Kosovo that could result in a fresh phase of fighting in southern Balkans.

On the eve of a meeting today with President Milosevic, Robin Cook, the Foreign Secretary, called an

emergency meeting on Monday of the six-nation Contact Group to discuss the crisis in Kosovo.

Robert Gelbard, America's senior envoy in the Balkans, threatened serious action against Yugoslavia if it used violence against ethnic Albanians. He warned Mr Milosevic that America was ready to deal with his policies and his police "using every

appropriate tool we have at our command."

Mr Cook announced that he is to convene a meeting in London of the countries that for the past five years have played the main role in trying to bring peace to the Balkan region: America, Russia, Britain, France, Germany and Italy.

Turning to arms, page 19



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How to give Blair a rattling bad time

THE listening part of this sketchwriter's day began and ended with the sound of Tony Blair's voice. After 7am I heard the Prime Minister explaining on BBC Radio 4 why he wanted local councils to change the way they made decisions and delivered services. He sounded confident, convinced and convincing.

Tories may kid themselves

that Mr Hague's inquisitorial skills are what rattle Mr Blair, but though Mr Hague is an effective questioner he does not always win; and his party are not wholly convincing (they were not, yesterday) as advocates of the student cause. Blair sounded unsteady even before Hague hit his stride.

Nor do media interviewers give Blair an easier ride. He can face tougher radio cross-questioning than he gets in the Commons — yet sometimes sweep it easily aside.

Is there (I asked myself) some common thread between the subjects Blair finds easy? Those on which I have heard him at his most persuasive include Scottish devolution, European co-operation,



MATTHEW PARRIS
POLITICAL SKETCH

lifetime learning, reform of the Lords (Mr Blair is convincing on constitutional reform) and the need for new thinking (for instance) in industrial relations and (yesterday) local government.

All these concern the aims or process or machinery of government. Not the decisions themselves, but how and by whom decisions should be taken, and with what general aims in view.

And the subjects which unsettle him? Student funding, yesterday, was one. Others have included single

parents' benefits, a special exemption for Formula One racing, and what to do about disbursement benefits. Here Mr Blair has seemed ill at ease at questions.

These, all of them, concern the decisions themselves. Not the philosophy or method of decision-making, but its product. Not the style and design of the new car, but the question where to drive it. Not process, but substance.

Take the vexed question of welfare reform. If I am right the PM will be persuasive (even inspiring) when urging

the need for reform, the overall aims of the reform, and the manner in which the reform should be discussed, consulted upon and decided. But when rival options are completed and placed before him for decision, he may shy at the fence. We shall see.

And we shall see how much longer Paddy Ashdown's collaboration with new Labour can last. On yesterday's showing, not long. The occasion cried out for a hard-hitting Liberal Democrat assault on the Government's proposals for student funding.

Unlike the Tories, Liberal Democrat MPs have a consistent record of involvement in student concerns and an active membership among students. Tory tears for stu-

dents — however genuine — have a crocodile look. Here was Ashdown's chance.

He did not take it. MPs were treated to another plea for extra money for the NHS. Ashdown repeats this so often that questions and responses ("Why not more for the NHS?" "You asked for £1 million, we've already pledged £1.3 million"; "But you could afford more"; "Not until the money's there") take on a liturgical air — almost chartered. They hardly trouble Blair, and Ashdown knows it.

Mr Ashdown's party stand poised at Mr Blair's ungaurded flank — with their hands tied behind their backs. Can this last?

Politics, page 14

A secret attraction for many disaffected Anglicans

By RUTH GLEDHILL
RELIGION CORRESPONDENT

THE particular, sacramental quality of worship at Westminster Cathedral has been, until recently, one of the best-kept secrets of non-Catholic Christians.

As testified by the packed Masses, both sung and said, that run from Saturday evening to Sunday night, Roman Catholics are well aware of its uniqueness.

Masses, in particular the main sung Mass at 10.30am, have always had a smattering of non-Catholics who, while not permitted to receive Communion, have been able to benefit from the priestly blessing on offer, or simply from sitting and listening.

But it was after the Church of England voted in 1992 to ordain women priests that more than a handful of disaffected Anglicans began to wonder whether the exotic, red-brick building down the road from the grander, Anglican form of Westminster Abbey might have something to offer.

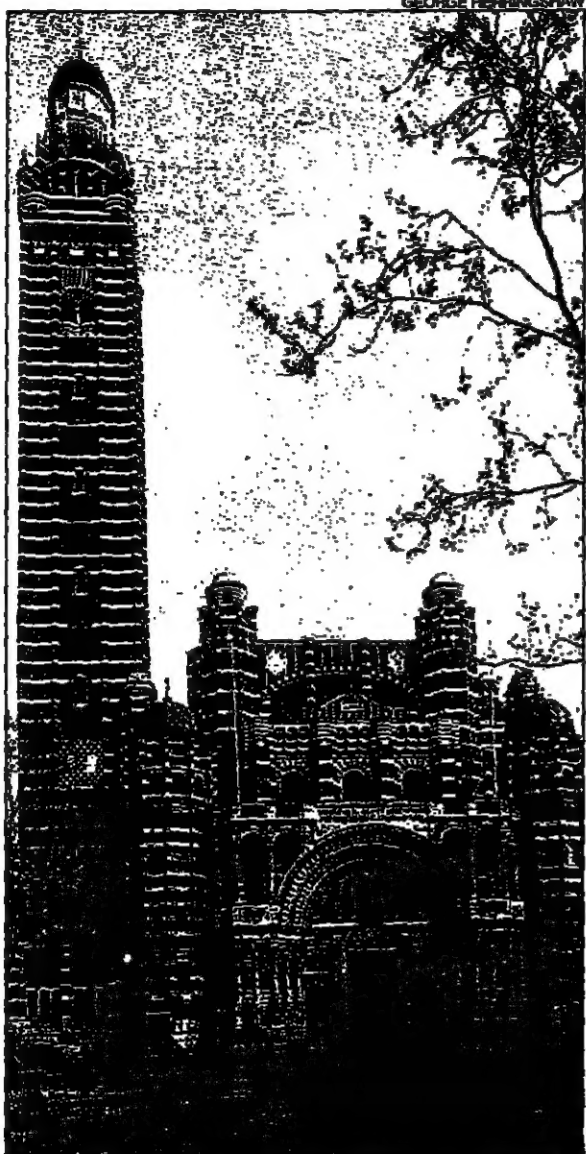
Set back from Victoria Street, the cathedral's Byzantine style gives it at first the air of an unusual import from an eastern country.

The cathedral, which celebrated its centenary in 1995, was built by John Francis Bentley. It attracts 6,000 worshippers a week and 10,000 visitors. It has a choir school with 24 chorists as boarders, plus 90 day boys.

Part of the draw of the cathedral is the anonymity. No one will look askance if they see a Prime Minister deep in prayer. That could explain why anyone dropping in at the 10.30 Mass will see a healthy smattering of celebrities. Establishment and political figures, Catholic and non-Catholic.

It has long been fashionable to flirt with or convert to Catholicism. But a growing fashion among those who do not wish to leave their roots is simply to take advantage of the open doors of Westminster Cathedral, where no questions will be asked, no entry charge levied and no demands prevail.

At the cathedral, the pervading sense is of quiet, no matter how many are present. People do not go to look at tombs or monuments. They go there to pray.



Westminster Cathedral: a pervading sense of quiet

Blair could join the 'Seedlings'

By NICHOLAS WAIT AND POLLY NEWTON

WERE Tony Blair to convert to Roman Catholicism he would follow in the footsteps of a number of politicians who have turned to Rome under the guidance of a priest at Westminster Cathedral.

Father Michael Seed, 40, a convert from Protestantism, has developed a role as an unofficial chaplain to the Houses of Parliament. He was responsible for the conversions of Ann Widdecombe, the former Tory Prisons Minister, John Gummer, the former Environment Secretary, and Sir George Gardiner, the former Tory MP who defected to the Referendum Party. They have been dubbed "Seedlings".

Miss Widdecombe, who converted after protesting at the Church of England's decision to admit women

into the priesthood, said she did not wish to comment on Mr Blair's attendance at Westminster Cathedral. "It is a private matter, really. It is his spiritual journey. My view is people should be allowed to resolve their spiritual problems in peace."

If Mr Blair did convert, he would become the first Catholic Prime Minister in British history. Others to hold the office have toyed with the idea, although not while they resided in Downing Street. As a young man, the deeply religious Harold Macmillan came close to joining the Catholic Church but remained a High Anglican.

Although a conversion by Mr Blair would be hugely controversial, there is no constitutional reason why the Prime Minister should not be a Catholic.

Beef hopes rise as Europe lets in Ulster exports

By CHARLES BREMNER IN BRUSSELS AND MICHAEL HORNSBY

THE worldwide ban on British beef could be eased later this month after most European Union states voted yesterday to allow Northern Ireland to resume exports from herds that are certified free of BSE.

The vote by national veterinary officials from ten states failed to reach the "qualified majority" that would have immediately relaxed the export embargo, imposed almost two years ago at the height of the BSE scare. But British officials were confident that farm ministers will lift the ban in Brussels on March 16, when only a simple majority will be needed.

Tony Blair backed that assessment. He said in the Commons that the vote was a breakthrough towards getting the ban on all British beef lifted.

"There has been a majority for the [EU] Commission proposals, which if upheld at the Agriculture Council next week — and I very much believe it will — will mean that the export certified-herd scheme is through," Mr Blair said. "And at long last, after long years of Conservative failure, there is at least some light at the end of the tunnel."

Jack Cunningham, the Agriculture Minister, said: "This is a very encouraging result. He and his team have been critical of what they see as politically driven opposition from Germany and other EU states. The minister told a parliamentary committee that it was "economically and politically convenient" for other EU states to sustain the

ban. The Germans voted yesterday against the Northern Ireland scheme, along with Belgium, Luxembourg and Spain. France abstained, saying it wanted more information on anti-BSE measures in Britain. Dr Cunningham said: "Had France voted in favour, we would have obtained the necessary qualified majority for final and complete approval of the scheme."

The unexpectedly high vote in Britain's favour appeared to have been partly promoted by a political compromise in which the EU Commission last week proposed exempting states that claim to be free of BSE from new restrictions on the sale of bone-in beef and other animal parts. The measure had been resisted in several states as unnecessary and burdensome. Diplomats also noted the general feeling that after two years, memories of John Major's ill-fated "beef

war" were fading and it was time to make a gesture towards Britain.

The proposed resumption of beef exports applies to deboned beef from cattle aged between six and 30 months which come from herds certified to have been free of BSE for eight years. Northern Ireland is the only region which meets the EU's stringent conditions because it has established a computerised system for tracking its cattle from birth. Other parts of the United Kingdom are in the process of setting up such systems.

An easing of the ban in Northern Ireland is significant. Before the ban came in at the end of March 1996, Britain exported about £520 million of beef a year, of which £234 million, or 45 per cent, came from Ulster.

Northern Irish officials estimate that 97 per cent of farms in the Province should be eligible for export under the certified herd scheme. There have been only 1,769 BSE cases in the Province, compared with more than 170,000 in Britain as a whole.

Government officials accept that it will take years before all restrictions are removed. British meat is still regarded with suspicion across the EU after the recent of bad publicity that followed the last Government's announcement of a possible link with CJD, the human equivalent of BSE. Because of media reports and a critical inquiry by the European Parliament, British negligence is deemed to have been behind the epidemic.



Cunningham expects go-ahead for all Britain

Secret talks on Lords

Continued from page 1

Leader of the Commons. They favour including detailed proposals for a new second chamber in the Labour manifesto at the next election. The developments will also be viewed with suspicion by other Labour MPs who regard the destruction of the hereditary principle as beyond negotiation. But Lord Richard fears that without the co-operation of the Tories, the Government's legislative programme could be deliberately derailed in the Upper House.

Lord Cranborne said last night: "I welcome the approach. There is a clear implication that the Government recognises the disadvantage of scrapping hereditary peers on their own. I have suggested that they come up with an options paper. We strongly recommend that the Government publishes it."

William Hague made clear in a speech last week that the Tories would consider co-operation only if the Government rejected a staged reform. He would consider support

for the process if a revised second chamber included a "substantial independent element".

A senior Tory official said last night: "As the students discovered last week on tuition fees, it is dangerous not to have an effective House of Lords. These talks are a clear sign that the Government is getting cold feet. We favour open discussion as in the past on the great constitutional issues of the day. It should be done openly rather than in smoke-filled rooms."

NEWS IN BRIEF

Security experts face flight rule change

Senior security experts may be banned from flying together under new rules to prevent a repeat of the Chinook helicopter disaster in which 25 MIA, RUC and Army intelligence officers working in Northern Ireland were killed. John Reid, the Armed Forces Minister, told the Defence Select Committee yesterday that he wanted to review the Ministry of Defence's decision not to change the rules after the accident. The helicopter crashed on the Mull of Kintyre in 1994 while taking the officers to a conference in Scotland. Four crew also died.

Dr Reid said that the Government could reopen the inquiry into the crash, which accused the two pilots of negligence, only if "relevant and substantial" new evidence came to light.

£30m Independent deal

The Mirror Group is close to a £30 million deal to sell its 46 per cent stake in the company that publishes *The Independent* and *Independent on Sunday* to Tony O'Reilly's Irish Independent Group. The deal includes a five-year management contract worth £3.7 million a year, under which the Mirror Group will continue to provide services such as printing and distribution.

No charge for Hagues

William and Fiona Hague will not face prosecution over an out-of-date tax disc on their Range Rover because two police forces cannot agree whose responsibility it is to report it. The Tory leader's vehicle was stolen from Teesside airport, Co Durham, on February 17 and recovered in Redcar by Cleveland police several days later, bearing a tax disc that expired in January.

Raining cats and frogs

Forecasters failed to predict one element of the weather yesterday: in Croydon, Surrey, it rained frogs. Neil Lofthouse, the national forecaster at the Meteorological Office at Bracknell, Berkshire, said: "You do get reports of things getting sucked up by water spouts, which are rotating columns of water, or tornadoes. They would have to go over a lake or something with a lot of frogs on it."

Kennedy's schools plea

The violinist Nigel Kennedy yesterday attacked the Government's plans to remove music from the list of compulsory subjects in the national curriculum of primary schools. He said that many musicians and music-lovers would not have discovered music without such early access at school. The move would "push classical music into becoming the privilege of those who can afford it", he said.

Spirit of the law

A couple who claim their cottage is haunted are suing the previous owners for not telling them of its alleged paranormal history. Andrew and Josie Smith say their three children are plagued by nightmares. The cottage was sold by Susan Melbourne and her sister Sandra, who are suing the Smiths for £3,000 they say was withheld from the price of the home in Upper Mayfield, Derbyshire.

Damage family evicted

A mother and two children have been evicted from a council house at Enfield, North London, after allegedly causing damage estimated at £20,000. Ellen Stokes, 40, her six sons and four daughters aged one to 16 were said to have torn out electrical cables, punched holes in walls and covered wallpaper with graffiti. Surveyors initially refused to enter the property on health and safety grounds.

Fingers made from toes

A two-year-old girl has been given fingers made from her toes. Megan Hunter, from Doncaster, South Yorkshire, was born with only stumps on her right hand where her fingers should have been. Her parents, Colin and Wendy, were told of a new surgical technique being developed in the United States and raised the £56,000 needed for the operations and trip to America.

Wesley chapel robbed

A church reputed to be the oldest Methodist chapel in continuous use may lock its doors for the first time in more than 200 years after thieves stole an alabaster bust of John Wesley, the founder of the movement. The octagonal two-storey building, dating from 1764, overlooks Hopton Hall in West Yorkshire. Wesley preached there on at least a dozen occasions.

Marion Thorpe

An article on the law of succession (February 28) incorrectly stated that Marion Thorpe left her first husband, the Earl of Harewood, to marry Jeremy Thorpe. In fact, the breakdown of the Harewood marriage was due to Lord Harewood's adultery. Marion Thorpe did not meet and marry Jeremy Thorpe until some years after Lord Harewood had left her and she had divorced him. We unreservedly apologise for the distress caused to Mrs Thorpe and her family.

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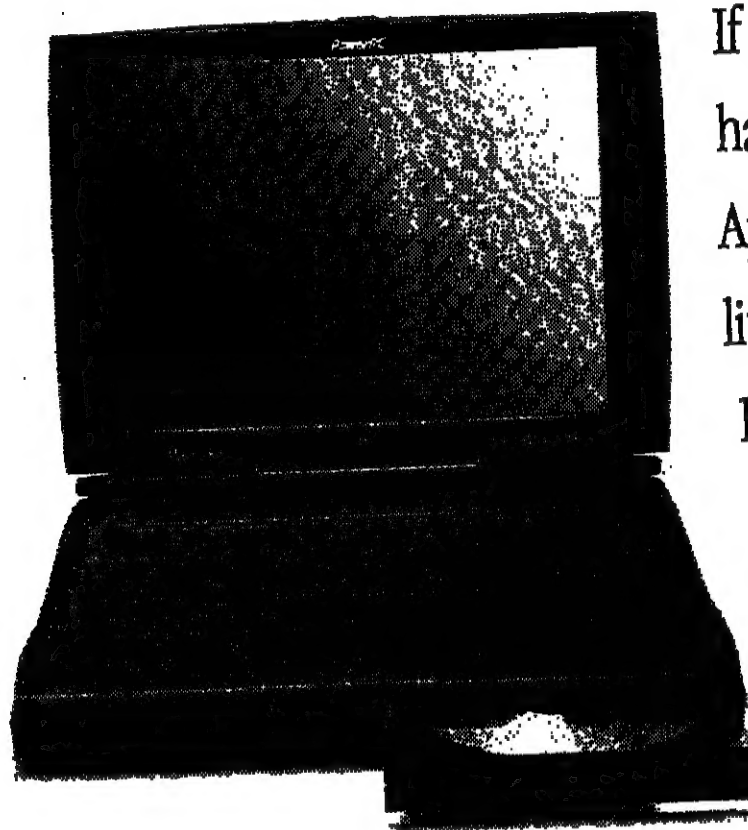
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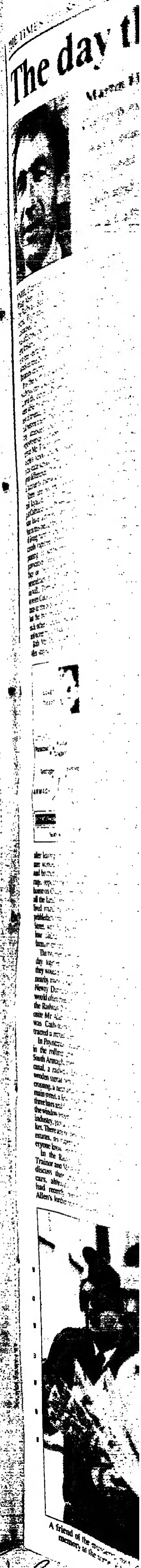
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The day the madness invaded a refuge of sanity



Mr. Trainor, Chief Ireland Correspondent, finds Poyntzpass was a refuge of sanity during the Troubles passed by as gunmen burst into the bar and shot dead two friends

UNTIL Damien Trainor and Philip Allen were shot dead in the Railway Bar on Tuesday night, Poyntzpass had been unscathed by the strife that has afflicted the rest of Northern Ireland. It had witnessed not one sectarian or terrorist attack in the 29 years since the Troubles erupted.

It is the sort of place where two boys, one a Roman Catholic and the other a Protestant, were able to grow up as the best of friends, as their fathers had before them. The fact that they attended churches at opposite ends of Chapel Street, or that Mr Trainor went to St Joseph's school and Mr Allen to the state school, made not a jot of difference. They were by all accounts inseparable.

There are no republicans and loyalists in Poyntzpass, just Catholics and Protestants who have achieved the rare feat in this benighted province of living happily and harmoniously together. There is no painting of kerbstones, no provocative flying of Union flags or Irish tricolors, no paramilitary graffiti daubed on walls. There are marginally more Catholics than Protestants in the population of 300, but the two traditions enjoy each other's annual parades and never try to block them.

Both Mr Trainor and Mr Allen stayed on in the village

He had asked Mr Trainor to be his best man — a mingling of traditions unthinkable in many parts of the province.

It was at the Railway Bar that they were drinking orange juices and talking about the wedding at about 9pm on Tuesday night. There were five others in the front lounge, including one of Mr Allen's brothers, the landlady, and three other men, one of whom had his 13-year-old daughter with him. Half-a-dozen others, including another of Mr Allen's brothers, had just drifted into the back bar. In another 30 minutes the front lounge would have been crowded with farmers leaving the sheep sale across the road.

The bar was an easy target: it was unprotected and there were plenty of country lanes leading out of the village. A stolen white Ford Escort pulled up outside. It attracted little notice because there were many outsiders in town for the sheep sale. Two masked men with handguns got out, burst through the bar's front door and shouted, "Lie down, you fucking bastards". Everyone did so. The gunmen then shot their guns at the helpless customers and fled.

The wife of the owner, Bernadette Canavan, 67, escaped by ducking behind the bar and crawling through a door as bullets broke its glass. One man protected himself with a stool. Two others were slightly injured, but Mr Trainor and Mr Allen took most of the bullets as they were nearest the gunmen.

Diamond Corrigan, a retired Catholic priest, was visiting Mr Trainor's grandmother when he heard the news. He hurried to the bar with Mr Trainor's parents and Mr Allen's mother. "I administered the last rites of the church to Damien and prayed with Philip," he said.

The bar was silent. He encouraged the parents to speak to their sons. They were reacting for a while and were aware of what was being said to them. Father Corrigan said. But as they were carried to the ambulance "it was apparent that they were sinking, and sinking fast". He drove Mr Trainor's parents to Daisy Hill Hospital in Newry and was in the operating theatre when the two friends died.

Mr Trainor's yellow Bedford van, advertising his vehicle recovery service, was still parked outside the bar yesterday morning, a fluorescent yellow jacket slung over the passenger seat, a bag of crisps and litter on the floor. Someone had left flowers on the bar's doorstep. Villagers stood around in the cold spring sunshine, a few still weeping, all struggling to come to terms with what had happened. Brian Hackett, the Catholic priest, said prayers for both men at a morning mass. Their families comforted each other, but mostly grieved in private as the media swarmed around their homes and scores of policemen combed the road outside the bar.

Poyntzpass is divided between two parliamentary constituencies, those of David Trimble, the Ulster Unionist Party leader, and Seamus Mallon, deputy leader of the nationalist Social Democratic

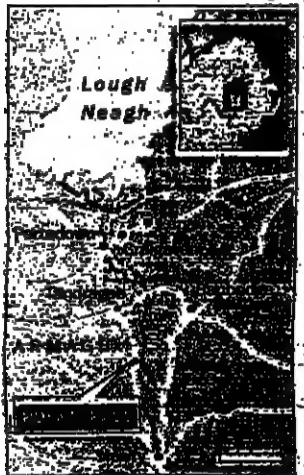
and Labour Party. Fittingly, the senior representatives of Northern Ireland's two communities visited the families together.

Mr Mallon said: "Everyone in the political sphere should be inspired by the example of this little village and above all by the symbolism of these two men from different traditions, forging a friendship, living together as they did and tragically dying together. That should make us all not just think but act."

Ronnie Flanagan, the RUC Chief Constable, called Poyntzpass "a model and an example to us all" and said the gunmen were "not fit to walk the same earth as the people whose lives they have taken".



Security forces outside the Railway Bar in Poyntzpass yesterday. The masked gunmen burst in holding handguns and started shooting



after leaving school. The former worked with his father and brother in Trainor's Garage, opposite the big brown house on Chapel Street where all the family lived. Mr Allen lived round the corner, in a pebbledash house on Railway Street, with his parents and four siblings, working on farms or driving lorries.

The two men went on holiday together. At weekends they would go to discos in the nearby towns of Banbridge or Newry. During the weeks they would often meet after work in the Railway Bar, almost opposite Mr Allen's home, which was Catholic-owned but attracted a mixed clientele.

In Poyntzpass, hidden away in the rolling green hills of South Armagh, there is an old canal, a railway line with a wooden signal box and a level crossing, a neat and lime-free main street, a few small shops, three bars and flower boxes on the window ledges. There is no industry, just a livestock market. There are no new housing estates, no supermarket. Everyone knows everyone.

In the Railway Bar, Mr Trainor and Mr Allen used to discuss their great passion: cars, although conversation had recently turned to Mr Allen's forthcoming wedding.



A friend of the murdered men lays flowers in their memory at the scene of the shooting yesterday

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BY PAUL WILKINSON

Mr Hemsley said that when the driver told his passengers he would be reporting the incident to police, "some of the children objected and it was about this time Tanya opened the emergency door and fell out".



The incident happened at Gipton, Leeds, on Tuesday as the teenager came home from school. Tanya suffered severe

Neil Clephan, head teacher of Roundhay, said: "In conjunction with the police, we are investigating the circumstances of this terrible event. They have said they are satisfied that this was a tragic accident. To the best of our knowledge, there was no indication of bullying on the bus or of Tanya being pushed."



BY GILLIAN HARRIS

As Strathclyde police hosted a lunch in his honour, Mr McSparran admitted being a policeman on Gigha was not a particularly onerous task. Crime is unknown on the island because "the islanders are either relatives or friends".

Mr McSparran, who was born on Gigha, says that he may give up other duties: "Retiring will allow me to spend more time with my wife and allow us to take a few holidays together. I am hoping for a long retirement."

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Nato sonar tests may have killed whales

FROM JOHN CARR IN ATHENS AND NIGEL HAWKES

TESTS of a Nato sonar system in the Mediterranean may have been responsible for a mass-stranding of whales on Greek beaches, a zoologist has claimed. On May 12 and 13 1996 a dozen Cuvier's beaked whales were washed up on a 25-mile stretch of the Kyparissiakos Gulf, on the western Peloponnese. The event was unusual because this type of whale rarely comes ashore in a group.

At that time, a Nato research vessel was testing a sonar system designed to detect quiet diesel and nuclear submarines. The system, called the Low Frequency Active Sonar, generates extremely loud low-frequency sound, greater than 230 decibels, enabling detection at great distances. Alexandros

Frantzis, a zoologist at the University of Athens, said he became suspicious because three massed strandings of whales had occurred in the Canary Islands in recent years after military war games in the area.

Writing in *Nature*, Mr Frantzis says that the Peloponnese stranding was the first in that part of the Mediterranean for 17 years. In ordinary conditions, he said, the chance of a group of whales flitting their way and being washed up on shore was less than 1 per cent.

Cuvier beaked whales are also found in the Atlantic, Pacific and Indian oceans. They grow up to 23ft long and weigh up to three tonnes. Strandings of individuals are not uncommon, but mass strandings are rare. Since 1963, only seven strandings involving more than four of whales have been recorded.

Mr Frantzis suspects that the noise emitted by the sonar system disoriented the whales, which use sounds to communicate. Even low levels of Low Frequency Active Sonar sound waves could affect deep-diving whales, Mr Frantzis says, adding that more re-



One of the 12 whales washed up on Greek beaches in 1996, while Nato was testing a sonar system with extremely loud low-frequency sound

search is necessary before a specific cause-and-effect link can be established.

Such research appears unlikely in the near future. "Our funding has run out and we are at a standstill," said George Verropoulos, the head of the Athens University team investigating the sonar theory.

He added that Mr Frantzis had "severed his link with the university" by writing to *Nature* without the knowledge or permission of the department head.

Nato said that it could not comment because it had not seen the *Nature* article. □ The European Union is

funding a trial of acoustic deterrents, or pingers, in an attempt to stop porpoises dying in fishing nets around the British coast.

The pingers, attached to the nets, emit high-frequency noises which scientists hope will drive harbour porpoises from the danger of entangle-

ment. The £250,000 project will involve British and Irish vessels that use bottom-set gillnets in the Celtic Sea. The porpoise population in the area is under threat because of gillnet fishing and it is estimated that a 65 per cent drop in the current entanglement rate is needed to ensure that

their population does not become depleted. The pingers may be introduced throughout the EU if the 12-month project is a success.

Experiments with pingers in the Gulf of Maine, in the United States, cut the number of porpoise entanglements by 95 per cent.

Minor clues to a major disaster

By Nigel Hawkes

CLUES to the cause of the mass extinction of the dinosaurs have been found among its effects on smaller creatures. Fossils of sea urchins show that extinction was more likely in the Americas, fitting in with the main cause being a comet or asteroid close to the coast of Mexico.

A study by Andrew Smith and Charlotte Jeffery of the Natural History Museum in London, published in *Nature*, found there was a decline — possibly caused by deteriorating climate — even before the impact 65 million years ago.

The productivity of the sea diminished fast when the Sun was obscured by debris thrown into the atmosphere. The urchins that survived best fed at the bottom of the sea, or were omnivores which adjusted to changing circumstances.



Passenger died as learner panicked and drove off cliff

By Simon de Bruxelles

A 16-YEAR-OLD learner driver panicked when she realised that she was heading for a cliff top and put her foot on the accelerator, instead of the brake, an inquest was told yesterday.

Victoria Richardson was thrown clear but her friend, Andrew Dunklin, 24, who owned the car, died when it plunged 180ft into the sea at St Agnes Head, Cornwall.

The inquest was read Miss Richardson's statement, in which she said that she was returning from Truro, where she had called at her college to see a teacher and her 17-year-old boyfriend. "We were talking about driving and Andrew asked me if I had driven a car before. I said yes. Then he asked me if I wanted a driving lesson."

"We went up to St Agnes Head because it's not busy up there, you can't have any accidents, you can't crash into any cars."

Her only driving experience had been steering an off-road vehicle as it rolled down a private road with the engine switched off. At first she had no problem driving the Ford Fiesta around the deserted area. "I wasn't going fast. All of a sudden we went round a corner and there was nothing in front of us. All we could see was some stones and the sea. We were taken by surprise."

"He shouted, 'Brake!' I panicked, I was pressing down on

all the buttons under me and there was just no effect. I was just pressing all the pedals to make the car stop. I will never forget it."

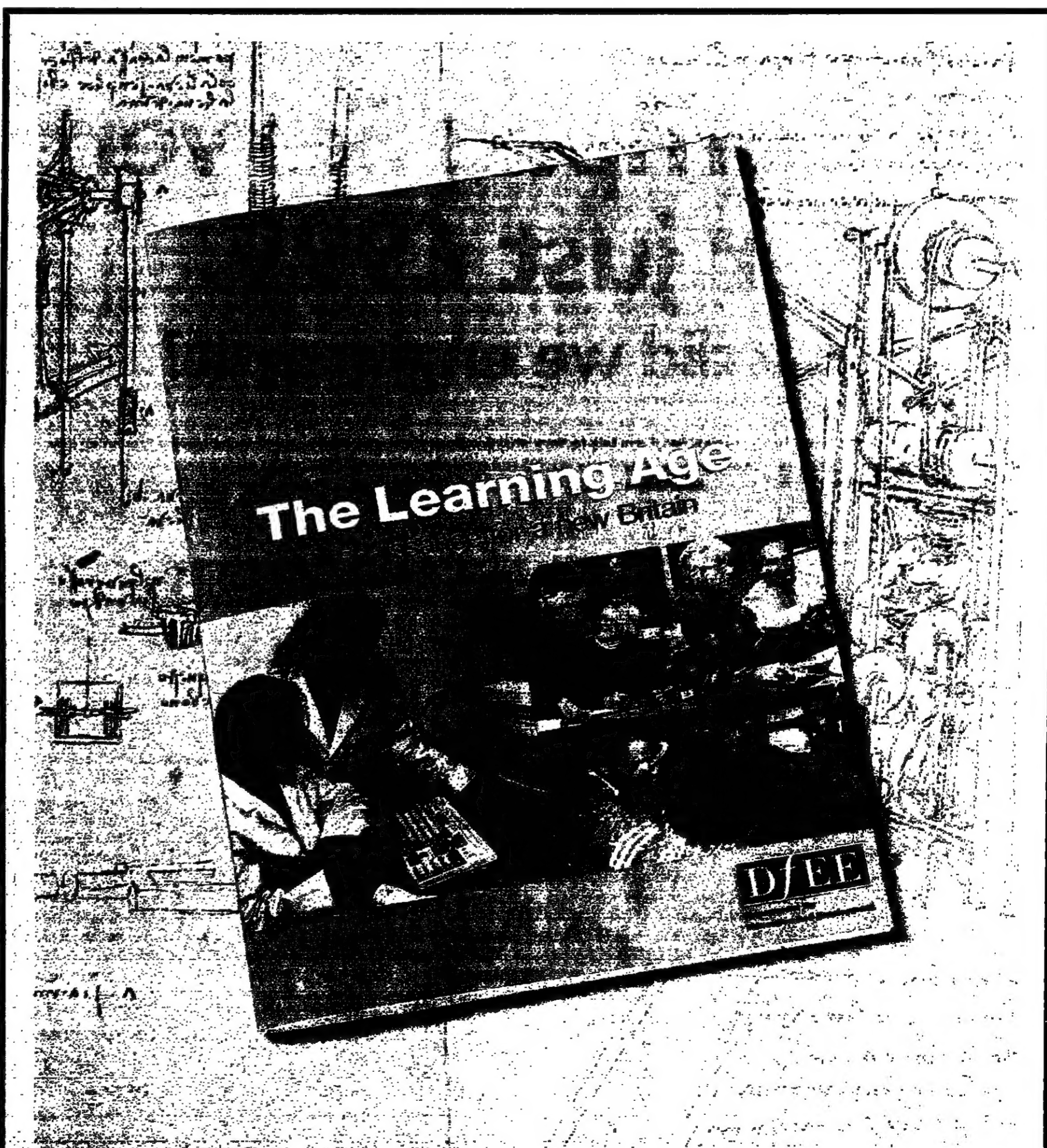
"We were just going straight forward. We went rattle and bump. I have no memory of how I got out of the car. It was like the air threw me out. I just closed my eyes and tightened myself into a ball and then all I remember is hearing the wind."

Another driver, Derek Nott, saw Miss Richardson appear in the road. "She was leaning rather badly and looked quite distressed," he said. "I stopped and she told me she had jumped out of a car that had gone over the cliff, that a friend of hers was still in the car. She kept saying, 'I don't know how I got out.'"

Mr Nott drove to the point where the car had vanished but could see nothing. He raised the alarm on an emergency telephone at an abandoned coastguard lookout.

A search was launched but it was not until the next day that Mr Dunklin's body was washed up at nearby Penhale Sands. He had died from multiple injuries and could be identified only by a dolphin tattoo on his arm. The car was never recovered.

Edward Carlyn, the Coroner, recorded a verdict of accidental death on Mr Dunklin, an unemployed marquee erector.



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Interfaith activist 'humbled' by award

SIR Sigmund Sternberg, the leading Jewish activist in interfaith dialogue, is to receive the Templeton Prize, worth £750,000, it was announced yesterday. The honour rewards an individual deemed to have advanced the world's understanding of God and spirituality.

Sir Sigmund, 76, a Hungarian-born British philanthropist who made his fortune in metal trading and property, helped to bring about the Vatican's recognition of Israel in 1992, and to organise the first papal visit to a synagogue in 1986. His role was central to resolving the crisis over the siting of a convent at the Auschwitz death camp.

He has founded councils of Christians and Jews in many countries, and the Three Faiths Forums, which includes Muslims, and has been active in the International Council of Christians and Jews. In 1981, he helped to set up the Sternberg Centre for Judaism, in north London, the British headquarters of the Reform Jewish movement.

As well as having been

**The work of Jewish philanthropist
Sir Sigmund Sternberg has earned
him the £750,000 Templeton
Prize, Ruth Gledhill reports**

knighthood by the Queen, he is one of the few Jews to have received a papal knighthood, in recognition of his contribution to improving relations between the Christian and Jewish communities.

The £750,000 prize, which was set up by Sir John Templeton, an international investor, in 1973 and is larger than the Nobel prizes, will be presented to Sir Sigmund by the Duke of Edinburgh at Buckingham Palace in May.

"The money will go to the Sternberg Foundation and it will be used to support the interfaith causes the foundation supports," said Sir Sigmund. Beneficiaries will include Leo Baeck College, the Jewish Reform theological college; the One World organisation, which works in the developing

world; the Franciscan Friars of the Atonement; and the Assisi earthquake appeal.

Previous Templeton Prize winners include Professor Thomas Torrance, a former Moderator of the Church of Scotland, Dame Cicely Saunders, founder of the hospice movement, and the evangelist Billy Graham.

Sir Sigmund, speaking at a press conference in New York, said yesterday: "This is an astonishingly humbling day for me. I have myself been a judge in past years for the Templeton Prize. I know the calibre of people who have been nominated and those who have been selected."

"They range from near saints, such as Mother Teresa, through some of the leading religious thinkers and theo-

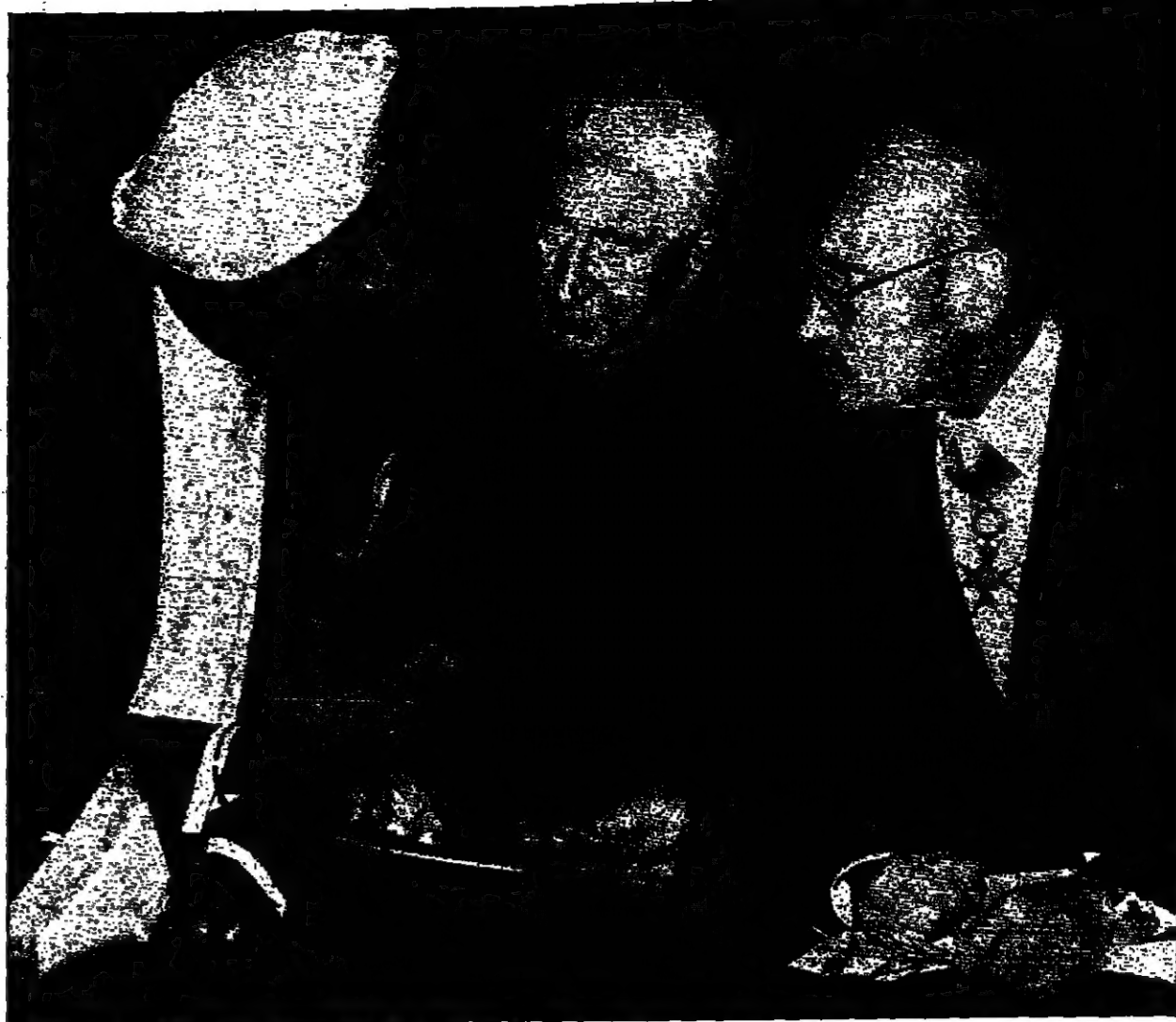
logians of our time to top names in the scientific world and academia. I qualify in none of those categories."

The award's founder, who plays no part in selecting the winner, chosen by a panel of nine judges who each work separately, said: "The prize is not for saintliness or for mere good works; it is for progress."

Sir John, an Anglo-American who was knighted by the Queen in 1987, set up the award because he felt the Nobel prizes overlooked one of humanity's most important disciplines — spirituality.

Last year's winner was Pandurang Shastri Athavale, leader of the "swadhyaya" movement which involves using study of the Bhagavad-Gita to bring about self-esteem and respect for others. The movement is credited with helping 20 million people in India to escape extreme poverty, and to reduce crime, alcoholism and domestic violence.

The John Templeton Foundation funds more than 150 projects around the world that encourage progress in religious and spiritual knowledge.



Sir Sigmund Sternberg, right, with Cardinal Basil Hume at an interfaith gathering at Westminster Cathedral in 1990

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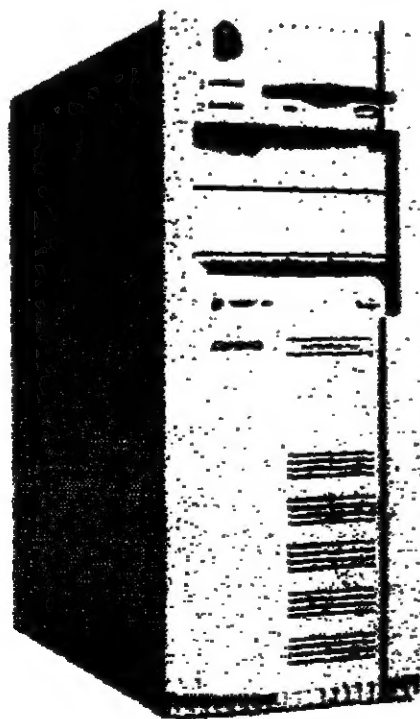
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Tycoon in business of building a new world

**Ruth Gledhill learns of
the passion for
reconciliation that has
driven Sir Sigmund since
his childhood in Hungary**



Passionate about religious dialogue, Sir Sigmund believes that most of the world's current problems could be solved if the barriers could come down and the different religions communicate more effectively. "Without dialogue, it is civil war," he said. "That's what happened in the former Yugoslavia. They did not talk to each other."

But he believes that talking alone is not enough. "Religious enterprises are usually full of theologians and people who are inclined to talk a great deal. I believe in action."

As one of the most prolific founders of interfaith bodies, business concerns, foundations, trusts and charities, he has collected awards and honours as others amass stamps. In an exclusive interview with *The Times*, Sir Sigmund, known as Siggy to his friends, described how, as a child in Hungary, he became interested in interfaith work.

"There was no mixing between Christians and Jews and I thought that was absolutely wrong. It was a Roman Catholic country and we lived very near the basilica in Budapest. I remember as a child how I would have very much liked to go inside it. It was such a beautiful building."

It was only as an adult that he was able to fulfil his dream. "Every time I go to Hungary, I make a point of going inside the basilica. Miraculously, it escaped the bombing in the war."

While he recalls no anti-Semitism towards himself or his family as Nazism took hold throughout Europe, he heard the occasional insult against Jews.

"It concerned me that people were saying the Jews killed Jesus Christ, because I knew that could not have been possible."

He recalls the satisfaction he felt in 1965 when the Vatican began to lay to rest the "decide" heresy with its document *Nostra Aetate*, which argued that the crucifixion of Christ "cannot be blamed on all the Jews then living, without distinction, nor upon the Jews of today."

Sir Sigmund came from a wealthy family in the antiques business. He suffered a devastating loss at 14, when his father died. Prevented by quota restrictions on Jews from entering Budapest University, he was in Britain to study

when war broke out. "I was classified a friendly enemy alien. My permit to stay was given on condition that I did not take any employment, paid or unpaid. So I was driven to work on my own and for myself." Thus were laid the foundations of his business career.

By the end of the war he was established in the metal recovery industry. He became a member of the London Metal Exchange, and in 1947 was naturalised as a British citizen.

Two years later he married his first wife, Ruth Schiff, and they went on to have a son and daughter before their divorce. He created the Sternberg Charitable Foundation and became a leading benefactor.

He left the Orthodox community—he had found himself too busy to take days off work for the major festivals—and became a member of the Board of Deputies of British Jews.

He remained, to Hazel Everett Jones, a bereavement counsellor, became chairman of a property company and a Lloyds underwriter, and was knighted in 1976.

He considers one of his greatest achievements not the raising of millions of pounds for charity or the running of numerous successful businesses, but resolving the dispute that followed when a small group of Carmelite nuns established a convent at the perimeter of the Auschwitz death camp in 1985.

The project threatened a deep rift between Catholics and Jews. Sir Sigmund helped to negotiate the agreement for the nuns' withdrawal. "I am really proud of that, because it was an explosive situation."

In 1986 he set up and became chairman of ISYS, a computer software company. His one "unrequited passion" is to bring about a reconciliation between business and religion. "It is, after all, in the total interest of the businessman that the society in which he lives, in which he trades, in which he raises his family, is a stable society. It is therefore incumbent upon him to make his contribution to that society."

His aim is to bring together businessmen from around the world "to search together for an ethic which would bring a whole new set of values to the world of commerce and industry."

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Baby thrives after nine transfusions – five in the womb

By PAUL WILKINSON

A BABY had his blood changed five times while still inside his mother's womb to save him from attack by his mother's antibodies.

Richard Morrison, who was given a 2 per cent chance of being born alive, is thought to be the youngest baby in Britain to undergo the treatment. He was born six weeks ago and is thriving.

Doctors inserted a needle through his mother's abdomen and, using ultrasound to guide them, manoeuvred it into her uterus to tap into a

vein in the umbilical cord. The first transfusion was carried out when the foetus was just 20 weeks old and his long. They continued until he was born five weeks prematurely.

After birth Richard needed four more transfusions because his mother's antibodies were still inside his body and attacking his red blood cells.

Richard suffered from an immune reaction, which happens when a mother with rhesus negative blood is pregnant with a rhesus pos-

sitive child. Problems occur when the baby's blood leaks into the mother's system. Antibodies are produced that attack the red cells in the baby's blood, causing heart failure and the eventual death of the foetus. Some 15 per cent of rhesus negative mothers have rhesus positive babies.

Richard's mother, Maria Morrison, 33, and her husband Richard, 35, have two other children. Their first son Dean, 14, was born without complications, but the second, Robert, 12, needed four transfusions after he was born. She then suffered two miscarriages because of the condition and another two pregnancies ended with stillbirths.

Mrs Morrison, from Fawdon, Newcastle upon Tyne, said: "Richard and I were determined to have another baby; we were driven to try again. When they mentioned the prospect of the baby having a blood transfusion while still in the womb it almost frightened the life out of me. But without it he would never have survived a week and we both realised it had to be done. I was under local



Richard Morrison with his mother Maria: he had his first transfusion while a 20-week foetus just 5in long

anaesthetic and aware of everything that was happening. Richard watched on a monitor. It was such a delicate operation and the hospital staff did a really incredible job.

Richard was critically ill for 11 days after his birth. Now his body is learning to produce its own red cells and the antibodies are being beaten.

We are so thrilled to have a healthy baby at last after all these years of trying."

Her husband said: "He is a lovely little lad and he is fit and healthy, but we would never have had him if it hadn't been for the staff at the hospital. What they did is nothing short of unbelievable."

William Dunlop, consultant

in obstetrics and gynaecology at Newcastle's Royal Victoria Infirmary where the operations were carried out, said: "In the past a baby as severely affected as this in the womb would have had no chance. This is really quite a success story. I have never heard of this procedure being carried out at such an early stage.

"The problem comes when

some of the foetal blood leaks into the mother's system and her body produces antibodies to attack them. These antibodies then pass through the placenta into the baby's bloodstream. This is why there has to be a transfusion. It replaces the cells lost because of the antibodies and subsequent transfusions continue to do the same."

NEWS IN BRIEF

Killer in drugs case gets eight years

Michael Steele, 55, who is serving life sentences for the murders of three gangland rivals, was yesterday jailed for a further eight years for smuggling cannabis into Britain. His "lieutenant", Jack Whomes, 36, serving three life sentences for the same murders, was jailed for 6½ years. Peter Corry, 44, was jailed for 4½ years. He was not accused of the murders.

Defence alert

Prostitutes in Glasgow's red-light district are being given personal alarms and self-defence lessons by police. Seven have been murdered in the city in as many years. The latest, Margo Lafferty, 27, was found on Saturday.

Website ahead

Roadworks to strengthen bridges carrying the A40 Gloucester to Cheltenham road over the M5, expected to take another year, now have their own Website so that motorists can check progress. www.m5junction1.co.uk

Signal tribute

A green plaque was unveiled in Parliament Street, Central London, to commemorate the first traffic light. A 24ft pole, with semaphore flags for day and gas lights at night, was devised in 1868 by John Pease Knight.

Slow reader

Staff at Stafford Library in the West Midlands are trying to work out how much is owed in fines on a library book that is being returned 135 years late. *De Naturis Rerum* was found at Chicago University.

Infertility treatment becoming easier and cheaper

By IAN MURRAY
MEDICAL CORRESPONDENT

INFERTILITY treatment will become five times cheaper and much easier for women in the years ahead, Lord Winston, the founder and director of the world's first in-vitro fertilisation clinic, promised yesterday.

Speaking at a conference in London to mark the twentieth anniversary of the first test-tube baby, he said that new techniques should lead to considerable reductions in the cost, which currently averages about £2,000.

"Hope is also on the way with a process of freezing ovarian tissue so that

at a later date eggs can be taken from it and fertilised. That technique is being perfected at Lord Winston's clinic at the Hammersmith Hospital, West London. One of its uses would be for women sterilised by cancer treatment.

If the tissue is taken before chemotherapy, the woman's own egg can later be used to enable her to conceive. He rejected criticisms that fertility treatments were unnatural. "We are not creating life but making it, using the materials of creation that were given to us," he said. "We are not supplanting God; we are imitating Him and that is the greatest praise of all."

Robert Edwards, one of the two

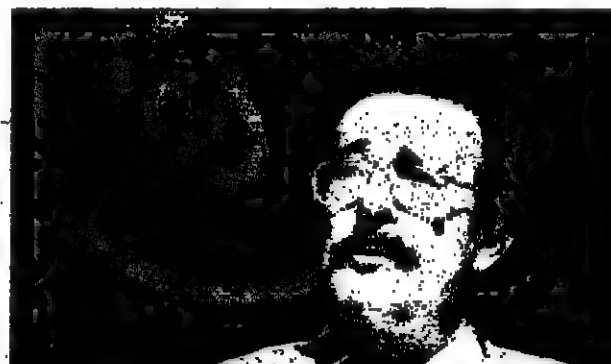
scientists responsible for the birth of Louise Brown, the first test-tube baby, told the conference that 300,000 healthy babies had been born by the method he helped to pioneer at Oldham, Lancashire, with Patrick Steptoe, who died in 1988. That was equivalent to 1 per cent of all live births in the world, but the proportion had to rise to at least 4 per cent if all the infertile couples who wanted children were to be treated successfully.

Ongoing research was needed to cut costs and improve the present 25 per cent success rate from fertility treatments. "There is so much to find out," Professor Edwards said. "Twenty

years ago there were men walking on the moon but we didn't know precisely when a woman ovulates. Now we know that it is around four in the afternoon.

"If you want to conceive, come home at lunchtime with a fine bottle of wine. Drink it all up and then do what comes naturally. That will solve some fertility problems."

Modern fertility treatments had become too complex and wasteful, he said. "There is a lot of pharmacological nonsense. Infertile women were being overstimulated with too many expensive hormones and too many eggs were being wasted."



Lord Winston speaking at the conference yesterday

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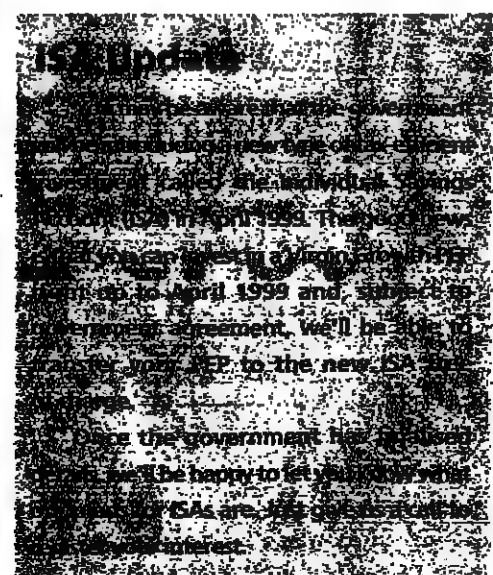
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Legal aid may go in 60 per cent of civil disputes

REPORTS BY FRANCES GIBB, LEGAL CORRESPONDENT

THE Lord Chancellor announced plans for "DIY" justice yesterday under which legal aid would be scrapped for 60 per cent of civil disputes and "no win, no fee" litigation introduced instead.

Lord Irvine of Lairg has radically amended earlier plans for abolition of almost all civil legal aid for claims over money and damages. Neither the insurance market, nor lawyers, were yet ready to take on so many "no win, no fee" cases, he said.

Instead, legal aid will be withdrawn this summer from personal injury disputes but, for the next two to three years at least, retained in the complex and difficult field of medical negligence claims.

The revised reforms ran into criticism from the legal profession, which said that "no win, no fee" work was no substitute for legal aid. There was wide support for the widening of "no win, no fee" work.

Giving judgment in a case on Tuesday between a road accident victim and a hospital, a High Court judge, Mr Justice Sedley, said: "If legal aid is to be withdrawn from cases like this, something less risky than a bare contingency

MAIN POINTS

- Legal aid scrapped for personal injury work.
- "No win, no fee" schemes expanded for all disputes over money and damages.
- Only specialist solicitors to handle medical negligence cases.
- Loser to pay opponent solicitor's "success fee".
- Government to encourage insurance market and group or company schemes to develop "legal cover" products.

fee system needs to be put in its place."

The Government's reforms, to be introduced this summer, will be followed by a White Paper proposing a tougher "merits" test to exclude legal aid for weak cases and proposing contracts for both civil and criminal legal aid. A Modernisation of Justice Bill is likely this autumn.

Yesterday Lord Irvine was conspicuously absent from television or radio interviews

after making the top slot on most bulletins the day before with his remarks on the shortcomings of "DIY" and the "noble cause" of the refurbishment of his quarters.

A spokesman said: "This is only a consultation paper and he has left the interviews to Geoff Hoon [the junior minister]. When we have the White Paper he will certainly be giving the interviews."

The Law Society welcomed the deferring of the withdrawal of some legal aid but feared that accident victims could still be "denied justice".

Phillip Sycamore, president, said: "We welcome the extension of conditional fees, which have been working well, but they were never supposed to be a substitute for legal aid."

"There are many people who will fall through the net. Not all personal-injury cases are straightforward and lawyers may be reluctant to take on complex ones, or where the damages claimed are very high and the cases will probably be fought all the way."

The Bar Council took a similar stance. Heather Hallett, QC, the Bar Chairman, said: "To force people

KEITH LEONARD, right, is permanently disabled after a road accident that nearly killed him seven years ago.

His case is exactly the kind that will lose out, lawyers say, under government plans to scrap legal aid for personal injury claims and bring in "no win, no fee" work.

The accident occurred when Mr Leonard, then a 24-year-old student at Sheffield University, was riding his motorcycle and was forced to swerve to avoid a car that emerged from a side road. He missed the car but collided with a concrete seat on the other side of the road.

The impact was so severe his right arm was ripped off at the shoulder and he suffered severe internal injuries to his stomach, kidneys and bowels.

Mr Leonard's solicitor, Peter Quinn, of Jackson Quinn, a Nottingham law firm, insists he could not have brought his claim without legal aid.

"This is a classic example



much of the accident and the other motorist had a witness, his girlfriend, who took the view the accident was Mr Leonard's fault.

Mr Leonard did a mailshot and then a door-to-door inquiry in the area of the accident and eventually elicited a piece of information that led to his canvassing all the utility services in the area. That prompted a British Gas driver from Sheffield to come forward as a witness who helped Mr Leonard's case for his legal aid funding to continue.

When the case came to court, Mr Leonard was awarded £450,000, plus costs. Without legal aid, Mr Quinn said, he could not have afforded the complex "array of 15 medical, rehabilitation and employment reports by consultants".

"Had Keith Leonard been stuck with a 'no win, no fee' agreement, it is highly likely that very few solicitors would have taken the case on, and if they had, would have dropped it long before the hope of any success became a reality."

of the type of case which would hardly get off the ground — let alone continue — if the Government's proposed changes came into full force."

Although Mr Leonard was granted legal aid, it was a hard case to prove. He could not remember

eliminate problems with "no win, no fee" deals.

It backed the proposal that the losing party should have to pay the success fee for the victor, as well as their legal insurance premiums, otherwise winning litigants could lose up to 25 per cent of their damages to their solicitor. "The Government must ensure litigants will not be worse off as a result of the proposals," Vicki Chapman, head of policy, said.

But the idea was attacked by the Forum of Insurance Law-

yers. Martin Bruffell, its president, said the notion that the "success fee" should be paid by the defendant's insurers was a move towards the American system of "penalties or fines" on the loser as well as compensation. Each side should bear its own insurance costs, he said.

Magnus Linklater, page 22
Leading article
and Letters, page 23

Wider change expected in justice Bill this autumn

PEOPLE will be able to pursue all disputes over money and damages on a "no win, no fee" basis from this summer under the reforms proposed by the Government yesterday.

In a move aimed at giving access to justice for "middle-income Britain", the Government outlined plans for dismantling the legal aid scheme as it stands. While legal aid will be scrapped for personal-injury cases, a "safety net" fund will be set up for deserving but costly cases, or those of public interest.

The plans do not need legislation and will be brought into effect through the "affirmative resolution" procedure in Parliament by July.

They will be swiftly followed by a White Paper detailing the next stages of legal aid reform, including the removal of the current statutory ban on "no win, no fee" work for some family disputes.

The White Paper will also contain plans for "fast-track" civil justice reforms, for providing criminal legal aid through contracts, and a drawn legal aid "merits" test to weed out weak cases. There is likely to be a twofold test whether the claim is winnable and whether the remedy sought is proportionate to the costs. These reforms would be contained in a Modernisation of Justice Bill thought likely this autumn.

Lord Irvine of Lairg, the Lord Chancellor, and his junior minister, Geoff Hoon, have substantially toned down their original plans to meet criticisms voiced by MPs and the legal profession.

Under "no win, no fee" work, to be expanded to all civil disputes, solicitors take on cases for nothing but may

increase their fees by up to double if they win.

In a new idea, the Government suggests that winners should not have to pay the "uplift" on legal fees out of the damages they win, but that it should be paid by the loser, along with other costs.

Legal aid will be removed from this summer from 60 per cent of money or damages cases but not medical negligence cases, a specialist panel belonging to a specialist panel demonstrating their competence in medical negligence will be contracted to take legal aid cases. Last year medical negligence cost £27 million in legal aid, an average cost of £4,122 a case to recover damages of £4,107 per case.

Ministers are going ahead with scrapping legal aid for personal injuries because "no win, no fee" work is well established in this field. But they insist that, as the insurance market develops, legal aid can be withdrawn from other areas and they expect this to include medical negligence.

Legal aid is also to be removed from disputes over matters about wills or inheritance; trusts administration or trustees; company directors; restoring companies to the register or minority shareholders; partnerships; Lands Tribunal matters and boundary or business disputes.

Legal aid will be retained for housing claims, judicial review and people forced to defend a claim against them for money or damages.

A "transitional" fund run by the Legal Aid Board will give state help with "public interest" cases and deserving claims which lawyers might find prohibitively expensive.

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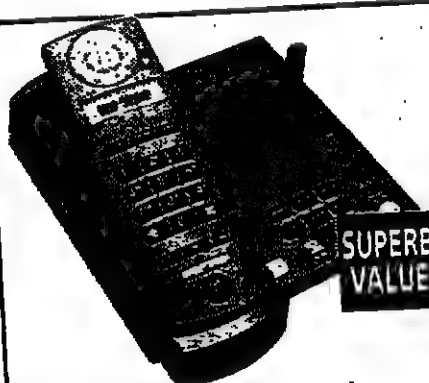
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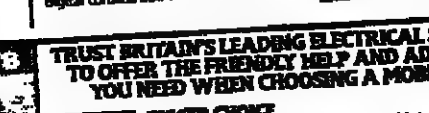
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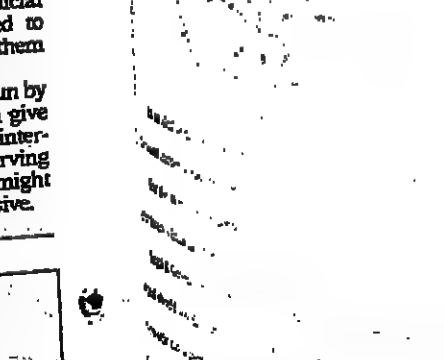
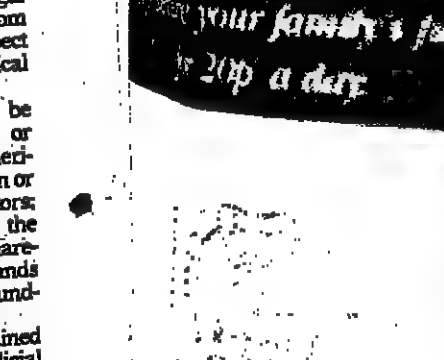
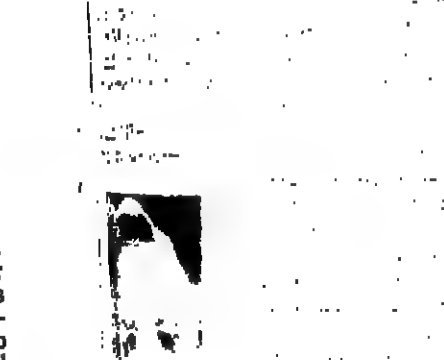
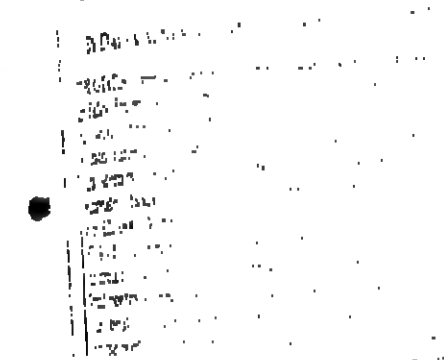
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How spic us a taste

Vigel Hawans



Tales from Ove earn Hughes a third aware



How spice of life gave us a taste for survival

Nigel Hawkes digests news of an evolutionary clue found in recipe books

HUMANS have inherited a taste for spicy food because it played a key part in prehistoric survival, say biologists. Spices kept food safe by killing bacteria. Tribes who liked their food bland were more likely to drop dead from poisoning.

The result was that early spice-eaters had a survival advantage and passed on genes that made spices taste good to more offspring. American researchers concluded after a study of 4,500 recipes from 36 countries.

"Why do spices taste good?" asked Professor Paul Sherman of Cornell University. "Traits that are beneficial are transmitted culturally and genetically, and that includes taste receptors in our mouths. People who enjoyed food with antibacterial spices probably were healthier, especially in hot climates."

"They lived longer and left more offspring. They taught their offspring this is how to cook a roast. The ultimate reason for using spices is



Secret of success: garlic can kill all food bacteria.

to kill food-borne bacteria and fungi." The study of traditional meat-based cuisines compared the climates of each country, and the horticultural range of 43 spice plants. Even today, hotter countries use spices the most. The best bacteria-killers are garlic, onion, allspice and oregano — they are said to kill everything. Thyme, cinnamon, tarragon and cumin can kill 80 per cent of bacteria, with capsaicin, chilies and other peppers not far behind. Peppers of the white or black variety are less powerful, killing 25 per cent of

bacteria, the same as ginger, aniseed, celery seed and lemon and lime juice.

Dr Sherman said: "In hot countries, nearly every meat-based recipe calls for at least one spice, and most include many spices." Thailand, the Philippines, India and Malaysia are top of the list, with Sweden, Finland and Norway at the bottom. America and China are in the middle, but America showed regional variations, with spicier food in the hotter south.

Writing in the *Quarterly*

Review of Biology, Dr Sherman and his co-researcher Jennifer Billing say that alternative explanations are less plausible. Some thought spices helped people cool down by making them sweat, but not all spices cause sweating and there are better ways of cooling "like moving into the shade". The idea that spices disguise the taste of rotten food "ignores the health dangers". Spices have the same nutritive value as vegetables, and warmer countries do not grow a wider range of spices. Even onion and garlic, which grow almost everywhere, are more widely used in hotter countries.

Professor Sherman says: "Everything we do with food — drying, cooking, smoking, salting or adding spices — is an attempt to keep from being poisoned by our microscopic competitors. They're constantly mutating and evolving to stay ahead of us. One way we reduce food-borne illnesses is to add another spice to the recipe."



Spices on sale in a bazaar: hotter countries still use the most in their recipes

Big cheese heads export drive

By Robin Young

THE Government yesterday launched an attempt to impress foreigners with British cheeses.

Lord Donoughue, the minister for food trade, told a seminar attended by three dozen cheese manufacturers that he was alarmed at the "mind-blowing" £420 million a year trade deficit in cheese. "British cheeses are really superb," he said, "especially in the range of regional speciality cheeses, yet the industry has not been export-orientated."

A ministry spokesman said the UK produced about 500 cheeses — "a figure to rival France" — but whereas France has 32 of international reputation with clearly defined production codes, Britain has only Stilton.

British cheese production represents just over a twentieth of the EU total, and the biggest portion of exports goes no further than Ireland. The main market outside the EU is the United States, which purchased £20 million worth in 1996.

Tales from Ovid earn Hughes a third award

By DALYA ALBERGE, ARTS CORRESPONDENT

TED HUGHES's verse translation, *Tales from Ovid*, yesterday won the £10,000 WH Smith Literary Award, its third literary prize. The poet laureate's book recently won the £21,000 Whitbread 1997 Book of the Year prize, having already secured the Whitbread poetry category.

Hughes beat off competition from the poet John Burnside, the novelist Peter Carey, Ian McEwan and Ian Pears, and the biographer Charles Nicholl for the latest prize.

He said: "They say every book has its own career. I've won it."



Hughes gave the credit to Ovid

been amazed to watch the public life of *Tales from Ovid*. Giving "the main credit to Ovid," he added: "Even though I knew about our national gods of fair play, it seemed to me that after that second prize any further prize must be impossible."

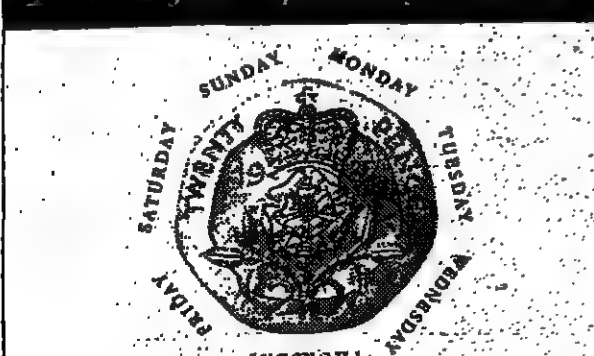
Hughes's new collection of poems, *Birthday Letters*, specialised in *The Times* about his relationship with his wife, Sylvia Plath, and her suicide, has rekindled interest in him. Although he has written 40 books of translation, prose, criticism and poetry, only now have the "big literary awards" come his way.

John Carey, Professor of English at Merton College, Oxford, one of the WH Smith judges, said: "This is the only translation I have ever read that turns great poetry into great poetry. It is perfect for transmitting the myths that underlie Western culture to a generation that has missed out on the classics."

Thinking then, Hughes said, "I am so happy to think I've given you one bit of the immense pleasure I experienced in making these translations."

Books, pages 40, 41

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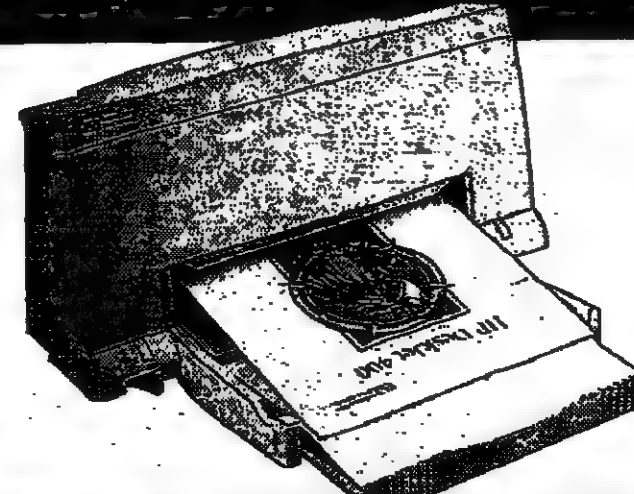
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Israel holding Lebanese for prisoner swap

FROM CHRISTOPHER WALKER IN JERUSALEM

ISRAEL was revealed yesterday to be holding ten Lebanese citizens in prison as bargaining chips to be used in talks over the return of missing or captured Israeli servicemen.

Israel radio said eight of the ten were members of the Iranian-backed Hezbollah (Party of God) group, which is fighting to oust Israeli forces from their "occupation zones" in southern Lebanon. The two others are from groups fighting alongside Hezbollah.

The radio report said the Supreme Court had allowed publication of the information in a ruling issued in response to a petition by the ten over their imprisonment. Some of them have been held for four years. All have been held without trial. The court did not permit publication of the names of the Lebanese or details of how they were captured, but security sources said they had been kidnapped during military operations in southern Lebanon.

The radio reported that, in a precedent-setting decision, the court had ruled that "Israel may hold in custody people, citizens of another country, that the State believes may be

of use during negotiations over the missing and the captured". The court acknowledged that the practice infringed human rights but said that Israel's "vital interests" took precedence.

The ruling was by majority decision, with one judge dissenting and arguing that the prisoners should be freed. Their lawyers made an appeal, which will be heard by an expanded panel of nine judges.

Chief Justice Aharon Barak acknowledged that the imprisonment compromised the rights of the detainees, but wrote: "There is no denying that Israel is in a state of emergency due to the threats hovering over its existence and citizens from within and from abroad. In situations like this, damage to basic human rights is obligatory, sometimes even grave and painful damage". Western diplomats said disclosure of what one described as "a blatant breach of international norms" would increase pressure on the United States to persuade Israel to meet its international obligations. Some intelligence experts believe that it may

encourage terrorist groups to try to kidnap Israelis.

Israeli troops, backed by the South Lebanon Army (SLA), a local militia, occupy a nine-mile-wide zone in southern Lebanon which has been held since the bulk of the army returned across Israel's northern border in 1985. Israel says that it occupies the area, in breach of United Nations Resolution 425, to protect northern towns and settlements.

The actual number of detainees from Lebanon is believed to be far more than ten. They include Sheikh Abdel Karim Obeid, the Hezbollah cleric abducted from his home in 1989 in a pre-dawn raid by airborne Israeli commandos, and Mustapha Dirani, an Islamist faction leader seized in 1994.

Cl-Mossad candidate Binyamin Netanyahu, the Israeli Prime Minister, has chosen Ephraim Halevy, a former deputy chief of Mossad with close ties to Jordan, to head the troubled spy agency in succession to Danny Yatom, who resigned last week. Mr Halevy, who has yet to accept the post, has good relations with King Hussein. (AP)



Rifat Afridi going to court last week

Husband shot by in-laws in Karachi feud

FROM ZAHID HUSSAIN IN KARACHI

KARACHI was tense last night after gunmen shot and wounded a man whose secret marriage to a woman from another ethnic group triggered violence last month that had left two people dead.

Kanwar Ahsan, 30, was shot by Pathan tribesmen, including the bride's brother and father, while he was being taken, handcuffed, by armed police to a magistrate's court in the Pakistani city for remand. Mr Ahsan, a Mohajir, was taken to hospital, where he was in critical condition with gunshot wounds to the chest, abdomen and leg. Mr Ahsan was on his way to answer a charge that he violated Islam's ban on extra-marital sex.

His attackers were among 250 ethnic Pathans who had gathered outside the courthouse to protest at Mr Ahsan's marriage to Rifat Afridi, 18, a Pathan. The conservative Pathan tribesmen come from North-West Frontier Province, while the Urdu-speaking Mohajirs settled in Pakistan from India after partition in 1947.

After Mr Ahsan married Miss Afridi, her family accused him of kidnapping their daughter, an allegation



Kanwar Ahsan is escorted into a Karachi court yesterday and, below, carried away minutes later after he was shot in the chest, abdomen and leg by Pathans

that both she and her husband have denied. The couple have been charged with illegally having sex outside marriage, although Mr Ahsan has produced their marriage certificate.

A council of Pathan elders sentenced Miss Afridi to death, saying she had dishonoured her family. Abdul Jabbar Afridi, the bride's father, refused to accept the marriage and filed a case of kidnapping and adultery against Mr Ahsan. Conservative Pathans consider it against their tribal honour for a woman to marry the man of her choice. "Honour is the most precious thing for us," said Mr Afridi, 65.

Miss Afridi, who turned herself in to police, said in court last Thursday that she had chosen to marry Mr Ahsan. Last night, 12 men were detained, including Miss Afridi's father and brother.



Guard used Mugabe bed for affair

FROM JAN RAATH IN HARARE

PILLORIED at home and abroad, President Mugabe faces further embarrassment with the disclosure yesterday that one of his security guards has been arrested after being caught using a presidential bed for an affair with a maid in an official luxury villa.

The policeman was found in the bed by a cleaner after he overslept in Mr Mugabe's Chinese-built villa at his birthplace, Kutama village, about 50 miles west of Harare, according to Ziana, the domestic news agency. Mr Mugabe was so enraged that he ordered the bed to be burnt, although the guard conducted his liaison with Keresenzia Kadzvi, a relative of the President, in a part of the mansion that Mr Mugabe and his wife, Grace, 34, no longer use. Mr Mugabe, 74, has at least six official and private mansions.

A search of the homes of the lovers revealed property stolen from Mr Mugabe, as well as an unlicensed AK47 automatic rifle and a grenade. Police confirmed the guard's arrest, but said the incident had happened a month ago. The guard was charged in court with possession of illegal weapons.

This week Mr Mugabe also had to reckon with the unfamiliar defiance of the country's workers, who ignored his orders not to join a national strike, and his troubles were compounded by ill omen on Tuesday when lightning tore down a tree in the grounds of his ceremonial Harare residence. Shona custom holds that lightning is an evil bird that lays eggs where its bolts strike, and that they will attract further strikes and disaster unless a spirit medium is called to remove the eggs. On Sunday, a gust of wind seized Mr Mugabe's official aircraft and sent it hurtling in the air above Maputo airport in Mozambique before it landed with a thump. Members of the official entourage screamed as the aircraft swerved in the air.

Weizman wins second term

Jerusalem: In the teeth of opposition from both the ruling right-wing Likud party and the family of Yitzhak Rabin, the assassinated Labour Prime Minister, Ezer Weizman was yesterday elected for a second five-year term as President of Israel (Christopher Walker writes).

The 63-49 vote in the Knesset was a triumph for the former RAF Spitfire pilot and a boost for the disintegrating Middle East peace process. He received congratulatory calls from Yasser Arafat, the Palestinian Authority leader, and President Mubarak of Egypt.

His comfortable margin over Shaul Amos, 57, the Likud challenger, belied forecasts of a close race. The main



Weizman: popular

extent of Mr Weizman's popularity had to be taken into account. He has won the hearts of the Israeli people with his irreverent approach to the mainly ceremonial post and his ability to reflect their mood.

In a telephone call after the result was announced, Mr Weizman, 73, and Mr Netanyahu, whose relationship has been strained by the slow-moving peace talks with the Palestinian Liberation Organisation, pledged to work together.

Mr Weizman's re-election is a blow for Mr Rabin's widow, Leah, who has criticised him for claiming her late husband suffered a nervous breakdown when Chief of Staff on the eve of the 1967 war.

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Hillary and her Hezbollah squad 'terrorise' Clinton spin doctors

FROM BRONWEN MADDOX
IN WASHINGTON

HILLARY CLINTON heads a "Hezbollah wing" of the White House determined to keep the President silent during the swirl of allegations about his sexual relationships, according to a new book on the Clintons' efforts to put a "spin" on the public face of the presidency.

Mrs Clinton, whose voice is the decisive one in determining tactics

for fighting the media war, has joined the President's lawyers in blocking advice from his communications advisers, who want him to speak more openly.

Her dominant role in the three-month-old scandal is one of the central portraits to emerge from *Spin Cycle: Inside the Clinton Propaganda Machine* by the respected media correspondent of *The Washington Post*, Howard Kurtz.

Publication of the book, which

casts a caustic look at the Clinton Administration's growing skill over five years in managing news, is due within days, having been brought forward from June after the Monica Lewinsky saga.

The growing power within the White House of Mr Clinton's lawyers, dubbed "Hezbollah" by Kurtz after the Islamic guerrillas in Lebanon, according to a leak from the book in *The Washington Times*, reflects the President's new distrust of his communications

advisers after their inability to quell the damaging allegations, according to reports.

For the White House, perhaps the most awkward tale to leak from Kurtz's narrative is the apparent badmouthing of the First Lady by the respected spokesman Mike McCurry. At a fundraising event during the 1996 presidential campaign, Mr Clinton remarked about a recently discovered Inca mummy, saying: "That's a good-looking mummy. If I were a single man, I

might ask that mummy out." Mr McCurry advised against such comments, given his daily battles to quash the President's reputation as a ladies' man, to the fury of Mr Clinton.

The normally unruffled Mr McCurry apparently retreated to the press plane in a huff, telling a reporter: "Probably she does look good, compared to the mummy he's been seeing." Mr McCurry, who says the report of his off-the-

record comments is inaccurate, but who has refused to say exactly what they were, has threatened to suspend such informal chats with journalists.

Kurtz is a long-standing critic of the Clinton White House's attempt to manage the news, which grew in sophistication after the chaos and disastrous publicity of Mr Clinton's first two years in office. As allegations surfaced that the President had a sexual affair with former White House trainer Mon-

ica Lewinsky, Kurtz wrote: "The carefully hedged denials, the dribble of information, the art of the spin — all of this is strikingly familiar to reporters who cover the Clinton presidency." But the spin masters have "managed to neutralise negative stories, contain their impact or somehow relegate them to the fringes of the media world." That is until now, he predicts of the Lewinsky saga: "No amount of skillful spin can make this one disappear."

Nazi to stand trial for murdering 500 in death camp

FROM ROGER BOYES IN BONN

GERMANY seemed set yesterday for its last major war crimes trial after the arrest of a 78-year-old Nazi accused of murdering at least 500 men, women and children in Majdanek death camp.

Alfons Goetzfried served in the Nazi security police in Lublin near the present eastern frontier of Poland. The Majdanek camp fell within the jurisdiction of Lublin.

After the uprising in the nearby Sobibor extermination camp in October 1943, when about 150 inmates revolted against the SS guards, Heinrich Himmler, the Nazi security chief, ordered the shooting of thousands of Jews in Majdanek, Trawniki and Ponitowa camps. The operation, known as Action Harvest Festival, ended with the slaughter of about 43,000 Jews, including those who were ordered to burn and bury the other victims.

The suspect — arrested in Stuttgart on Tuesday — allegedly helped to round up some

17,000 Jews from the Lublin area who were taken to Majdanek for the killing. Camp historians describe the shootings as being carried out with an almost factory-like routine over several days.

The state prosecutor has charged Herr Goetzfried with being an accomplice to the murder of 70,000 people during 1942-43, and of personally shooting 500 on November 3 and November 4, 1943, when he was 23.

Herr Goetzfried arrived in Germany from Kazakhstan in July 1991 and is of ethnic



German parentage. Some sources say he was born in Ukraine. He says he served 17 years' imprisonment in Siberia after the war.

Investigators at the Ludwigsburg Centre for Investigating Nazi Crimes have been aware of Herr Goetzfried's presence in Germany for some years. He was a witness in a war crimes trial in Dortmund in April last year where he incriminated himself, indicating he took part in Action Harvest Festival. Archive material gathered in Ludwigsburg since last July has fortified the case against him.

□ Vilnius: A court in the Lithuanian capital opened a hearing yesterday to examine evidence against a 90-year-old former American citizen suspected of having participated in the Nazi-era genocide of Lithuanian Jews, the Elta news agency reported. Judge Viktoras Kazys said the court would decide whether there was enough evidence to try Aleksandras Lilelakis. (AFP)



The entrance to the former concentration camp at Majdanek, where 17,000 Jews died in Action Harvest Festival.

Saddam deal bars US and British envoys

FROM JAMES BONE
IN NEW YORK

THE UNITED NATIONS has drafted procedures under its weapons monitoring pact with Iraq that will effectively exclude British and American diplomats from the "dignity police" who accompany UN inspectors on searches of President Saddam Hussein's palaces.

Sources say the diplomats who will escort arms inspectors to the presidential sites are to be drawn from the Baghdad-based diplomatic corps. Neither Britain nor the United States has an embassy in the Iraqi capital.

Britain has not objected to the plan to use Baghdad-based diplomats because of the need to maintain the element of surprise when checking presidential sites. UN inspectors fear that if diplomats have to be brought in from outside, their presence will tip off Iraq. Some diplomats based outside Iraq might also be placed on the UN roster but it is thought impractical for them to attend inspections.

About 40 countries maintain embassies in Baghdad, including many Arab, Asian and Eastern European states, as well as France and Spain. Diplomats will be placed on call to accompany the weapons inspectors at short notice.

The diplomats in the "special group" are supposed to ensure that UN inspectors show proper respect for Iraq's dignity during searches of the presidential sites, and will be able to report on "any matter they deem appropriate".

UN officials insist that the weapons inspectors will remain in control of searches. Under the agreement, Richard Butler, the chief UN inspector, will report on searches of presidential sites to the Security Council through Kofi Annan, the UN Secretary-General. The procedures were drawn up by Mr Annan and will be presented to the Security Council this week.

Buyers prove hard to find for Hitler's underground poison-gas factory

By ROGER BOYES

NAZI Germany's secret underground factory for manufacturing poison gas is for sale. So far there have been no offers, not even from Iraq. "We can find no traces of contamination," said Christian Zens, of the state property agency which has been preparing the ruined site for potential bidders.

Someone must be interested, he believed, in the massive bunker complex that could have helped turn the tide of the Second World War for the Germans.

The factory, in Falkenhagen near the German-Polish border, was designed to produce sarin — similar to the gas used by the Japanese Aum Shintokyō sect to terrorise Tokyo underground travellers —

and a gas called N-Stoff, an aggressive, easily flammable substance made of chlorine trifluoride.

Most of the production was supposed to be conducted 60ft underground in a four-storey bunker. The complex was so large that a train could roll into the factory to be loaded with gas canisters. The factory never came fully on stream until January 1945, and only 30

tonnes of N-Stoff had been produced by then.

The rapid advance of the Soviet troops took the German chemists by surprise. The Soviet army converted the bunker into a top-secret Warsaw Pact command centre with powerful communications, apparently secure from nuclear, biological and chemical weapons. The Russians divided the bunker into

400 separate rooms sealed from the world with heavy, airtight steel doors. A decontamination zone was set up for those Russian soldiers who were to be sent out on forays into a post-nuclear world. In 1992, when the Russians left, they stripped everything, even the light fittings, from the bunker.

Herr Zens plans to blow up the above-ground ruins of the factory,

but will leave the bunker intact. If he can have the ground reclassified as an industrial estate, he might obtain a reasonable price. Now its value is chiefly woodland, fetching barely £700 a hectare.

Hitler, badly gassed during the last months of the First World War, was against the use of biological weapons, but permitted research into counter-measures.

Navy airlifts aid to Sierra Leone

A ROYAL NAVY warship yesterday airlifted emergency food and medical supplies to families in Sierra Leone which is still recovering from the violent overthrow of the military junta that seized power last year (Michael Evans writes).

Captain Anthony Dymock, commanding officer of HMS

Cornwall, a Type 22 frigate that arrived off Sierra Leone from Gibraltar, after junta forces were defeated by a West African peacekeeping force, organised the distribution of 20 tonnes of rice to two key distribution areas using the warship's Sea King helicopter.

Last night Captain Dymock reported that the scenes in

Sierra Leone were "harrowing" and praised his medical team for helping to save lives. The ship's medical personnel, led by a doctor, Lieutenant Elaine Tibble, found large numbers of people whose injuries from the eruption of fighting had been untreated. Children were also suffering from malnutrition.

Under the agreement, Richard Butler, the chief UN inspector, will report on searches of presidential sites to the Security Council through Kofi Annan, the UN Secretary-General. The procedures were drawn up by Mr Annan and will be presented to the Security Council this week.

THE SUNDAY TIMES

She's 26, head of a Paris fashion house and the daughter of a Beatle. Is there more to Stella McCartney than just her name?

Lesley White finds out this weekend

THE SUNDAY TIMES IS THE SUNDAY PAPERS

Oklahoma may vote to castrate sex felons

FROM GILES WHITTELL
IN LOS ANGELES

OKLAHOMA could become the first American state to give judges the power to order the surgical castration of sex offenders under a Bill approved in the state senate by a wide majority.

If DNA testing proved the right person had been convicted, the law would mean the threat of castration for repeat and violent sex criminals and those found guilty of raping or sodomising children.

Sex criminals have urged that make them "like animals", said Frank Shurden, the Oklahoma state senator who wrote the new Bill. "It's time to treat them like animals". Despite loud protests from civil liberties groups and doctors, his fellow senators voted 37-10 in favour of the measure, which now goes to the state assembly.

Two years ago, California overwhelmingly approved a law requiring the "chemical castration" of repeat child molesters even after their release from jail. The technique for removing an adult's sex drive consists of weekly injections of the drug Depo-Provera.

The Californian law was passed after a Pecan inmate, Larry Don McQuay, begged his state to castrate him surgically, saying he had molested more than 200 children and would abuse again. Experts dispute castration's effectiveness in curbing libido. Mr Shurden's opponents say sex crimes have more to do with violence than desire.

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WORLD IN BRIEF
Australia accused
rights abuses

hailed out Russia

hopes dashed

trial convicts Prince

in flow along Silk Road

report ridiculous

rejects child sex claim

room fails to sing

Chinese take fond look back at tough Zhou era

FROM JAMES PRINGLE IN BEIJING

HE WAS not a "cuddly teddy bear", though he liked to project that image. Instead, Zhou Enlai, China's late Prime Minister, was in reality a tough and ruthless operator, who in the maelstrom of Mao Zedong's imperial court managed to mitigate some of its worst excesses.

Though Mao's doctor, Li Zhisui, in his memoirs described Zhou as Mao's "slave, absolutely obsequiously obedient", for tens of millions of Chinese he remains the one sensible leadership figure during the Cultural Revolution.

People in Beijing this week are fighting to get into an exhibition of memorabilia of Zhou and his wife, Deng Yingchao, which commemo-

rates his birth 100 years ago today.

"Mao said a revolution was not a tea party, and Zhou was certainly not pouring the tea and dispensing cucumber sandwiches," said a Beijing-based diplomat who has studied Zhou's life. "You couldn't survive in Mao's circle without playing by the rules of that court."

Yet a German correspondent recalls being on the steps of the Great Hall of the People in 1967, when Zhou came out and asked about the spike rising from the diplomatic quarter. Told that the British mission had been set ablaze by Red Guards, who were by then assaulting British diplomats, Zhou gave or-



Zhou Enlai meeting David Chipp of Reuters, the first Western correspondent in Communist China, in the 1950s

ders for troops to rescue the envoys and douse the flames.

Zhou had something lacking in China now — a sense of humour. David Chipp, the first Western reporter to be based in Communist China, recalls that after their first interview in 1956 he wrote that Zhou's gestures and animation made him believe the story that the Prime Minister had once thought of going on the stage.

A few days later, Zhou saw Chipp at a reception and asked him with a laugh: "Do

you think I would have been more successful as an actor?"

Zhou was accessible to reporters and sometimes divulged exclusive news of a dramatic development, such as the rehabilitation of a political figure, such as Deng Xiaoping, or the fall of another, such as the disgraced Marshal Lin Biao.

Nowadays it is sometimes possible to interview Zhu Rongji, who this month takes over as Prime Minister. But questions have to be submitted in advance and replies are

normally stiff and formal.

Among the current leaders, there are none who go out among the people as I used to see Zhou do for chats with ordinary Chinese, young girls in pigtails looking up adoringly at him. Unlike Mao, Zhou seemed to lead a sexually blameless life, and did not appear to take advantage of his status.

Lately, there have been revisionist views of Zhou's role during the Cultural Revolution. Some scholars now say he did not do as much as he

might have, and even took charge of the persecution of some top-ranking members of the Communist Party. Cer-

tainly, Zhou was not able to save China's head of state, Liu Shaoqi, who died in rags and filth having being refused medical treatment after Mao brought him down.

"Of course, Zhou had to do things he did not like, but everyone had to obey Mao," said a Beijing-based China scholar. "Zhou tried to help those in trouble, though he was not always successful."

Key congress in Beijing prepares for Li's successor

BY JAMES PRINGLE

SET against the economic crisis convulsing South-East Asia and the layoffs of millions of Chinese workers, the annual session of China's parliament, the National People's Congress (NPC), which opens today, could be the most important in years.

During the two-week session, Zhu Rongji is expected to take over as Prime Minister from the hardline Li Peng, who retired by law at the end of his second five-year term. Mr Li remains a potent force, however.

The acerbic but pragmatic Mr Zhu, 69, who is popular among ordinary Chinese but regarded with suspicion by many bureaucrats, faces a monumental series of tasks. He must restructure bankrupt state-run industries, slash China's bloated bureaucracy, rescue insolvent banks, restore confidence among disillusioned foreign investors and maintain sufficient economic growth to produce new jobs for millions of workers who have been laid off from the ailing state sector.

Demonstrations, petitions and strikes by 11 million redundant workers and pensioners have been reported in recent months from Manchuria, the former industrial heartland of northeast Asia, to

the southwest province of Sichuan. Hundreds of thousands of bureaucrats could also lose their posts in ministries that will be transformed into corporations as Beijing seeks to modernise its economy. Envoys say that some of the problems that afflicted the Soviet Union and Eastern Europe before communism collapsed are now apparent in China.

There could be some opposition in the congress and beyond to Mr Li becoming Chairman of Parliament — the post he has apparently set his mind on — to replace Qiao Shi, 73, who is an arch-rival of President Jiang Zemin. It was Mr Li who signed the martial law order that sent troops into Tiananmen Square in 1989, and he is still deeply unpopular.

Mr Zhu is popular with the public because, as Mayor of Shanghai in 1989, he is credited with pacifying demonstrators without resorting to force. "Jiang wants Zhu to be like the late Premier, Zhou Enlai," said one diplomat. "Zhou was the perfect Prime Minister, whom everyone loved, but who did a good job solving China's problems without challenging the boss."

Peter Stoohard, page 22

WORLD IN BRIEF

Australia accused of rights abuses

Sydney: Australia has been accused of a systematic erosion of human rights in a stinging denunciation of its treatment of Aborigines and refugees (Roger Maynard writes). A strongly worded report from Amnesty International condemned the Australian Government's poor response to the "stolen children", the thousands of Aborigines forcibly removed from their parents in the hope they would be integrated into white Australia. Amnesty called for a formal apology and financial compensation for them. While John Howard, the Prime Minister, has expressed personal sorrow for what happened to the children, he refuses to issue a formal apology.

The report also criticised Australia's indefinite detention of refugees seeking asylum. It said 350 people were currently in immigration detention centres, 30 of whom had been detained for more than a year. "Unauthorized asylum-seekers who have committed no crimes are treated as second-class prisoners in this country," Dr Helmut Schurmann-Zimmer, a Swiss-London-based researcher on Australia, said in a letter to the UN.

Soros bailed out Russia

Moscow: George Soros, the American financier, lent the Russian Government "several hundred million dollars" to help it to meet a deadline for back wages last summer. The loan, at "very favourable" interest, "was to bridge a one-week period between the receipt of the eurobond issue and the payment of wage arrears", he said. But he said that when Moscow again asked him for a loan last December, he turned it down. (AP)

Power hopes dashed

Auckland: Hopes in Auckland, the biggest city in New Zealand, of a return to full power have been dashed for weeks after two repaired main cables failed during testing, the electricity supplier, said yesterday. "All of us at this stage are in a state of deep shock," Wayne Gilbert, chief executive of Mercury Energy, said at a hastily called news conference. The city was plunged into darkness on February 20 when a cable failed. (Reuters)

'Show trial' convicts Prince



Phnom Penh: A Cambodian military court has found Prince Ranariddh, left, deposed last year as the country's Co-Prime Minister, and two of his senior aides, guilty of weapons smuggling (Caroline Glick writes). The court sentenced Prince Ranariddh in absentia to five years in prison after a brief trial. The proceedings were like a show trial, with the judge and prosecutor on a raised platform in a room resembling a theatre with a 400-strong audience.

Oil to flow along Silk Road

Beijing: China will build an oil pipeline along the ancient Silk Road to Kazakhstan. The \$2.3 billion (£1.4 billion) pipeline would extend 1,875 miles from Karamay in northwest China's Xinjiang region to Kazakhstan, the Xinhua news agency quoted the head of the Petroleum Administrative Bureau as saying. It is estimated it will take eight years to build. (AEP)

Murder report 'ridiculous'

Jerusalem: Officials denied a report in The Times that said the purpose of a botched Mossad operation last month in Switzerland was to kill two businessmen suspected of helping Hezbollah, the militant Lebanese guerrilla group, to obtain weapons. Uzi Landau, chairman of the Knesset foreign affairs and defence committee, called the report "ridiculous". (AP)

Ortega rejects child sex claim

Miami: Nicaragua's former President, Daniel Ortega, right, has denied allegations by his 30-year-old stepdaughter, Zeila María Narváez, that he sexually abused her as a child, claiming that they are part of a political campaign to oust him as leader of the Sandinista National Liberation Front (FSLN), the former guerrilla group which launched the country's 1979 revolution and governed for more than a decade (David Adams writes).

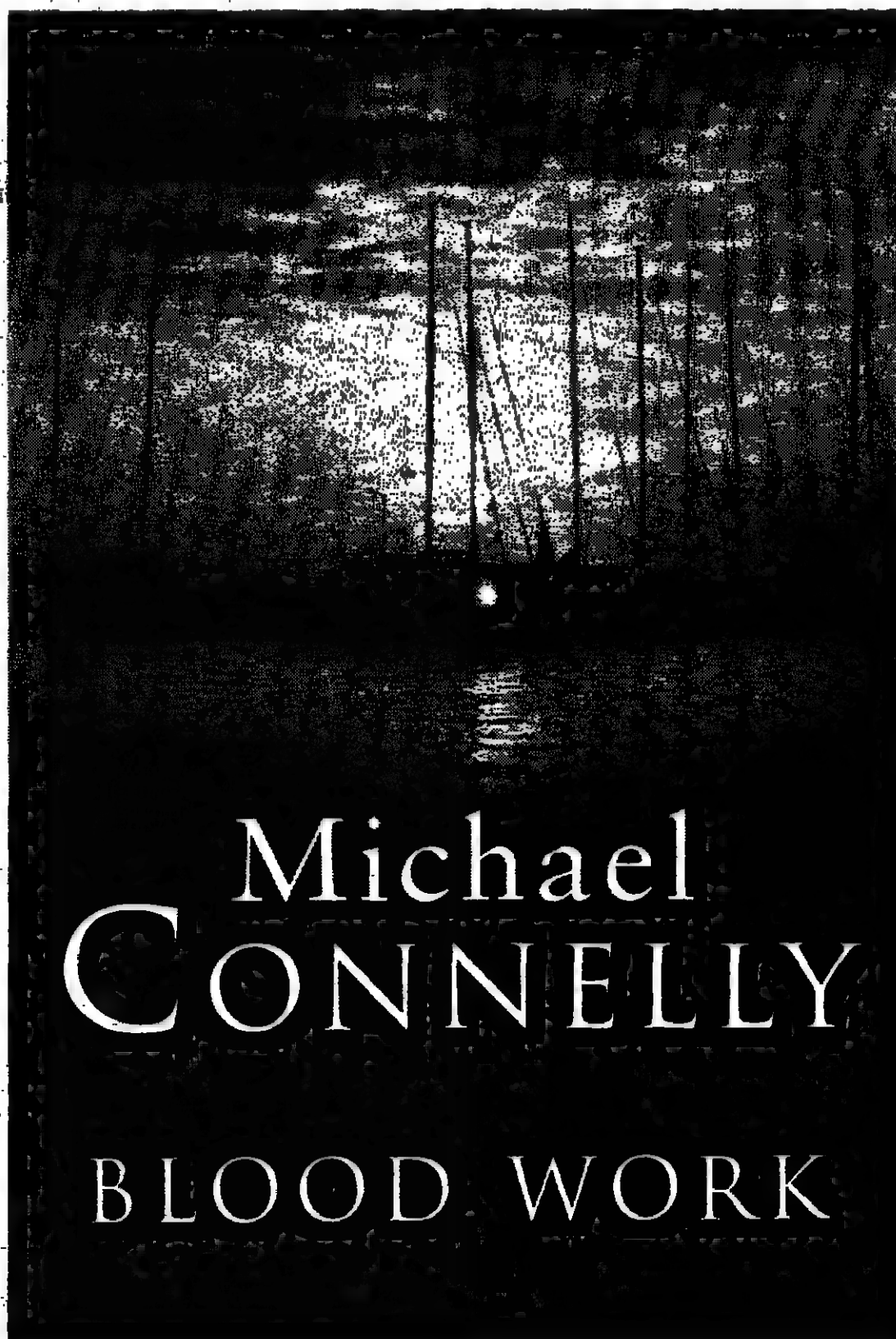


'Snake venom' fails to sting

Budapest: Armed blackmailers injected a businessman with what they said was snake venom and then rang him and demanded £90,000 for the antidote. The man quickly called the police and a doctor. A medical check showed that he had been injected with insulin. Three suspects have been held. (AFP)

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ORION BOOKS

Letters to cast light on hermit novelist

New York: A collection of 120 private letters written by Thomas Pynchon, the American novelist, to his former literary agent will be made available to scholars this autumn, shedding more light on the life and mind of the reclusive writer than any material previously released (Tunku Varadarajan writes).

The letters, which range from the boastful to the churlish, were written between 1963 and 1982 to Candida Donadio. They were bequeathed last month to the Pierpont Morgan Library in Manhattan by the heirs of Carter Burden, a businessman and philanthropist.

The letters are the jewels of the Burden Collection, worth an estimated \$8 million (£4.85 million). Jeremy Nussbaum, the writer's lawyer, said: "It's a rather startling event. I've never heard of an agent selling letters of a client. They were entrusted to her in a relationship of confidence, and they were sold against his wishes."

Brussels puts a sell-by date on 'body of Lord'

ROMAN CATHOLIC priests were up in arms yesterday over the introduction of sell-by date regulations for Communion wafers. "It seems nothing is sacred where European regulations are concerned, not even the body and blood of Christ", said *L'Avanture*, the Catholic daily and organ of the Italian Bishops' Conference.

A Vatican official said that the move appeared to be an example of "Brussels-inspired harmonisation gone mad", adding: "Communion wafers represent the body of our Lord. They are not like milk or frozen food."

The regulation came to light when *L'Avanture* reported that in the ancient university town of Pavia in Lombardy, the nuns who make the wafers for local churches had begun to date-stamp their product. They said food inspectors had told them it was required by law on edible substances. The Agriculture Ministry confirmed that, under a recent law bringing Italy into line with EU directives, all foodstuffs must be eaten within a given time — one year in the case of wafers.

A parish priest in Pavia said the interference raised tricky

Nuns in Italy who make Communion wafers have been ordered to comply with food rules, Richard Owen writes

theological issues. "For example, if the wafers are treated with preservatives to prevent them deteriorating, we will be celebrating the Eucharist with alien substances, such as chemicals, and not just the bread required by tradition going back to Jesus."

The Communion rite commemorates the Last Supper, when Christ broke bread and poured wine for his disciples before his Crucifixion with the injunction: "Eat (or drink) this in remembrance of me." Ordinary bread was used in early Christian communities, but more recently this has given way to wafers, which in Italy are made by nuns in convents as a business sideline, together with honey, homeopathic medicines, liqueurs and other products.

Under Roman Catholic liturgical rules, the wafers must be made of unleavened bread baked

from a dough of wheat flour and water, with no oil, milk or other added ingredients. Communicants suffering from coeliac diseases, in which sensitivity to gluten prevents proper digestion, can be given special non-wheat wafers.

La Repubblica said: "Communion wafers can be kept for years — and often are." Father Franco Cutrone, a parish priest in Rome, said the wafers he used were made by nuns at a convent on the Tiber embankment, at a cost of about 3p each. "We keep them in the sacristy in tins specially designed to keep out humidity," he said. "We use about 600 a week. There is no danger of them going off. We know how many we need and we only order them when we need them."

Mgr Guido Gensini, former head of the Italian Bishops' Liturgical Office, said there were

already strict rules governing ecclesiastical products dating back to Pope Pius V (1566-72). But Father Cutrone said he was afraid the bureaucrats would turn their attention to Communion wine as well. "We get our wine from the same convent that produces the wafers, and the sisters provide us with a case every two months."

He said the nuns were worried they would become subject to tax inspections, even though the modest income generated by their products was "just enough to help them to survive". Many convents and monasteries have turned to tourism to make ends meet, offering retreats to those tired of the stress of modern life, and one monastery in Salerno even runs a sports centre with football coaching.

□ *Mystery fresco*: Archaeologists have discovered an ancient fresco in Rome that gives a bird's eye view of a city — but no one knows which city. They found the 10ft by 6ft fresco last week underneath an underground brick passageway on the Esquilina Hill, one of the seven hills of ancient Rome. (AP)



Wafers should not be treated like frozen food, says the Vatican

Guru stakes his life on Second Coming in a Texan suburb

FROM GILES WHITTELL IN LOS ANGELES

FOR 150 Taiwanese visitors to a placid suburb of north Dallas, the Second Coming is approaching. It will take place, they say, on March 31 at 3513 Ridgedale Drive in Garland, Texas. God will take the form of Heng-ming Chen, their leader, and the earthly Mr Chen stakes his life on it.

In a prediction with disturbing echoes of last year's Heaven's Gate mass suicide, the former social science professor from Taipei has thrown himself on the mercy of his followers: if he does not give human form to God in exactly three weeks and five days.

If everything goes to plan, on the other hand, Mr Chen will lead his flock to heaven this time next year by flying saucers which will touch down on the shore of Lake Michigan.

Members of God's Salvation Church — also known as the "God Saver" or "Earth Flying Saucer Association" — yesterday used the columns of *The New York Times* to play down fears of mass suicide. "That is absolutely impossible," Mr Chen, wearing a broad straw hat, said through an interpreter. "Our principle is respect for all life, including human life."

Mr Chen, 42, said he is nonetheless willing to be "ex-

cuted, stoned to death or put on a cross" should his forecast prove untrue.

Officials in Garland have so far left "Teacher Chen" and his followers to pursue their peculiar countdown in peace. A spokesman said "crowd control and media access" were expected to be the only extra police chores come March 31.

For Mr Chen, however, the stakes could scarcely be higher. He has written: "At 10am on March 31, 1998, God shall make His appearance in the Holy Land of the Kingdom of God: 3513 Ridgedale Dr. Garland, TX 75041, USA. I guarantee this on my life."

He expects God to appear as a "cloned version of himself, capable of walking through walls, speaking all tongues and shaking hands with hundreds of people at once."

Most of Mr Chen's followers are educated and affluent, selling houses in Taiwan worth up to \$500,000 (\$300,000 in the US). The sect members, who have bought at least 50 houses in the city, have yet to acquire, and have reason to expect, anything like actual benefits. However, their first step after March 31 will be Mars.

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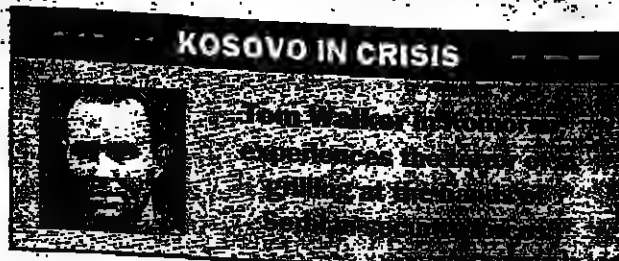
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Kosovo's ethnic victims turn to arms



KOSOVO IN CRISIS

AT THE police checkpoint, the paranoia of Serbia's security forces became frighteningly clear. "Out of your car, now, fast!" barked an officer.

Harald Doornbos, my Dutch colleague, offered his press card, and received a slap in return. We were marched to a stop sign, which apparently we had ignored.

Next, our notebooks were grabbed. The blue-uniformed officer, veins throbbing in his temples, pushed his angry face at us. "This," he said, glaring at a notebook, "is Albanian — so you speak Albanian?"

We were wondering who would be the first to be hit when an officer at the other side of the checkpoint screamed that we were being filmed. Our interrogation was briefly postponed, while we were pushed into a camouflaged and fortified bunker.

"You're from Sarajevo," said the first officer, picking up where he had left off and inspecting our Bosnian Nato accreditation. "You're Muslims? Show me you're not

Muslims." He crossed himself, asking Harald to do likewise. Quickly, we said that we were Protestants. "Bloody Muslims," he muttered.

The inspection of the notebooks continued, and interest focused on the last pages — a scrawled chronicle of interviews with Albanians living under the terror of this police state. The name Frenki Simatovic was noticed — according to diplomats, one of President Milosevic's henchmen in the oppression of the Albanians and a man with links to the cleansing of non-Serbs in Croatia and Bosnia over the past decade. "Ah, my boss," said the officer.

After an hour, our ordeal was over. The notebooks were returned. "Make sure you write nice things about us," advised the checkpoint chief.

How must it be for Albanians suspected of "terrorism" to be caught by these Serb security forces, we wondered.

Earlier we had interviewed a doctor at the hospital in Srbica, 30 miles northwest of Pristina, who had seen the bodies of the 11 Albanians — nine from one family — executed at the weekend by the notorious SAJ and terrorist unit said to be under Mr Simatovic's command.



Two ethnic Albanians stand beside the graves of relatives and friends killed last weekend by Serbian police in the Kosovo village of Likoshani, 25 miles from Pristina

dead had seven or eight bullet wounds, he added.

"It is time to change our strategy," said Emin Halilmi, president of the Srbica branch of the Democratic League of Kosovo (LDK), which for years has negotiated in vain for restoration of some of the autonomy granted under the

"People need to be protected, using any means we have."

Across the valley lay the ammunition factory where the Serbs are said to be massing their counter-terrorism forces. Yesterday, a Serbian journalist reported that the Kosovo Liberation Army (UCK) had issued a call to

arms, but many Albanians still hoping for peace dismissed the news as propaganda from Belgrade. Mr Milosevic is said to have 70,000 police and soldiers in Kosovo, ready for further clampdowns.

Earlier, in the nearby nickel-mining town of Glogovac, a UCK sympathiser showed us a video he had taken of Serb forces driving through the town on Sunday, after the weekend's massacres in which at least 25 Albanians died.

The man said he would use the video to raise money for the UCK in Germany, where he works as a car dealer. He said that over the past year the UCK had killed 49 Albanians suspected of collaborating with the Serbs, and that a strip of land 80 miles by 30 miles was under Albanian control.

In the absence of compromise from Belgrade, what moderation there existed among the Kosovo Albanians is evaporating fast. Two of the LDK's more pacifist vice-presidents have resigned and the organisation now condones the killing of informers. "We'd cry if anyone not guilty is killed," Mr Halilmi said. "But if someone collaborates with the regime, then he is committing suicide."

Cook rebuffs Belgrade to open dialogue with moderate Albanian leader

BY MICHAEL BONYON
DIPLOMATIC EDITOR

ROBIN COOK, the Foreign Secretary, is set to defy the Yugoslav Government by seeking a meeting today with Ibrahim Rugova, leader of the ethnic Albanian movement.

He will urge Dr Rugova, 54, whose moderate stand is being challenged by the radical, clandestine Kosovo Liberation Army, to

denounce violence and prevent an upsurge in revenge killings in the province.

His main message will be reserved for President Milosevic, who has sent troops and death squads into action against demonstrators. In face-to-face meetings he will bluntly warn him and Zvezdan Jovanovic, the Foreign Minister, that ramping Yugoslavia's foreign isolation and the imposition of fresh sanctions if it

uses violence against the Albanian majority in Kosovo.

Speaking for the European Union, he will warn the Yugoslav leaders that the EU will not upgrade its ties with them until the problem is resolved peacefully. That message was underlined also in Brussels yesterday by Hans van den Broek, the EU Foreign Affairs Commissioner, who met Borislav Vukovic, the Yugoslav Trade Minister. "We feel very clearly that

President Milosevic bears very great responsibility in this respect," he said.

The warnings come amid a crescendo of concern in the Balkans about the killings and violence. Romania, Bulgaria, Greece and Turkey all urged Belgrade to start a dialogue with the Albanian majority in Kosovo, and foreign ministers of countries neighbouring Kosovo were urgently telephoning each other to co-ordinate

their actions. "We expect President Milosevic to find a political solution, not simply a policing solution to the current crisis," Mr Cook said in Sarajevo yesterday.

He can start by implementing the education agreement and getting the schools and universities to carry out the provisions of the Dayton accords. In a symbolic demonstration of EU support for Milorad Dodik, the new Prime Minister, he addressed the Bosnian Serb assembly in Banja Luka,

the new seat of government of Republika Srpska, praising the Bosnian Serbs for opting for change and moderation.

Britain announced that it is to open an office of its embassy in Banja Luka to increase liaison with the Bosnian Serb entity. Mr Cook said that he is to provide another £1.2 million to pay for the exhumation of bodies of those killed in "ethnic cleansing" during the Bosnian war.

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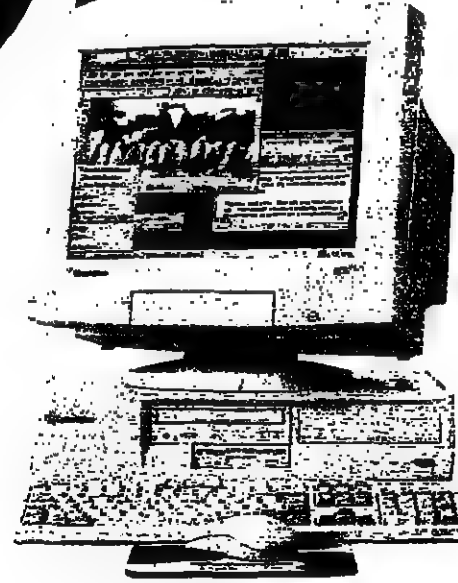
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Supernanny - 90 and still going strong

Phyllis Barr has devoted her life to five generations of children. Interview by Moira Petty

Two-year-old Hector dances with excitement as Nanny capitulates to his cries for one more game of *Round and Round the Garden*. Gently she traces out the rhyme on his upturned palm. Nearly a century in age separates them, but for now they are caught up in this world of mutual enchantment.

Nanny is 90. She bears the splendidly Edwardian name Miss Phyllis Maud Bone, but to the generations of families to whom she has dispensed love, wisdom and cod-liver oil, she is only known as Nanny. She has maintained close bonds with the children she once tended, who have been eager for her kindness and common sense to be filtered down to their children. "They are my family," says Nanny. "My purpose in life was to help children and give them love and happiness, and it has been very rewarding."

Last summer the families joined forces to throw a 90th birthday party for Nanny. They assembled a photo album charting Nanny's lifetime of devotion to children. Grainy wartime snaps of her early years in service are pasted alongside glossy colour photos of Nanny, older and frailer, but still wreathed in smiles at the antics of her children's children.

One picture of Nanny blowing out the candles at Hector's first birthday party in December 1906 is inscribed with the caption: "Nanny - still at it!" Hector's mother, Victoria Tydemans (née Hodgson), a part-time music-marketing consultant who lives in Barnes, southwest London, was in Nanny's care until she was 11. Although she employs a mother's help, she has arranged for Nanny to visit for one full day a week to give Hector the "incredible grounding in life" that she received.

While the world has changed around her, Nanny has remained unfazed. "I've lived through flower-power and punk and it hasn't worried me," she says, adding: "I always liked that Cliff Richard. A clean-looking boy."

To many of her families, Nanny's provenance and age are wreathed in mystery. Her energy and confidence were such that few realised, in her later years of employment, how old she was. When she was almost 70, she took Victoria and Tessa skateboarding and skiing without turning a hair.

Later Victoria wrote to her from boarding school, asking her to pop into Boy, the punk-fashion shop, to pick up a pair of wraparound sunglasses. "They gave me funny looks in the shop but I like to think I've moved with the times," says Nanny, beaming.

She is both a fierce individualist and one of a dying breed. "I didn't have time for a social life. I was on call 24

hours a day, with one day a week off. Today's nannies are more interested in whether a car goes with the job and what time they can clock off."

When she began her first long spell of employment with one family in 1940, she was paid £1 a week, and at the time of her retirement from full-time employment in 1977 her salary was £10 a week. She worked for the Hodgsons for nothing for a year after they were hit by the stockmarket crash of 1974. It never occurred to Nanny to feel hard done by. "I've never envied anyone," she says simply.

She never married, and says of the mothers she worked for: "If they were lucky enough to have children, that was nice for them. I always made it clear to the children that Mummy and Daddy were special."

None of the mothers who hired Nanny worked except in a voluntary capacity. Their willingness to hand over their

Batten's father, the philanthropist Sir Ernest Royden, who had 150 seamen's orphans billeted on him. Nanny would gather the parentless mines around her for bedtime stories.

When Mrs Batten decided to see out the rest of the war in Bermuda, Nanny went also, taking baby Anne and her cousins, Gilly, 10 months, and Sonia, four. In the evenings Nanny volunteered to work in the United Services Club. One night an English voice asked: "Can I have a cup of tea?" It belonged to Andy MacPherson, an RAF pilot.

"We just clicked. He was tall, slim and blond. We used to go to dances, me sitting on the handlebars of his bike, holding my long skirts. The first Christmas he gave me a wristwatch. Then he said it would be lovely to be engaged and he bought me a ring. It was not worth a lot but it was of great sentimental value. A few years ago I gave it to Anne's daughter, Kathryn."

They had two-and-a-half years together before Andy was shot down on a bombing mission. "I only ever think of him as a young man. It was very hard to pick up my life again. I had some nasty moments: blackouts. Holding the children helped, and Mrs Batten was kind and sympathetic. There was never another man for me so the children became my life."

It is only when Nanny speaks of the suffering of Anne Batten, who was badly burnt in a firework accident aged seven that tears fill her eyes. Anne had been taken to the display by another nanny. She nearly died after going into secondary shock. "She looked as if she wasn't there," says Nanny. "Then she opened her eyes and said, 'I've been in the garden with granny and she told me to come back and see you.' Granny had been dead for more than a year."

When Anne returned home, Nanny massaged her twice daily with linolin for two years. Anne slept with Nanny, as did her younger brother Stephen later. When Stephen went to prep school and Anne was in her teens, Nanny reluctantly left the family.

Her next position, from 1956 to 1964, was looking after Jeremy Brice, an only child. Again Nanny came by recommendation to the Bayswater household, where she lived on the nursery floor with Jeremy, whom she adored.

At eight, Jeremy was sent off to school and Nanny was hired, again through word of mouth, by Hector's grandparents, the Hodgsons, to look after newborn Tessa and later Victoria. Wendy Hodgson, (now Mrs Forbes, following her remarriage on the death of her husband) gave Nanny full charge. "But I insisted that she



Hector with Nanny, who says: "My purpose in life was to help children and give them love and happiness, and it has been very rewarding"

'A gift for children'

Nanny's young charges, now adults, fondly recall the huge part she played in their lives

The Battens, 1940-1956
Nanny cared for Anne and her younger brother Stephen. Anne, 58, now lives in Northumberland with her husband, Tony, a chartered surveyor, and children, Kathryn, 18, and Richard, 14.

"Nanny was much more than a nanny as people would understand it today," she says. "Mummy handed us over to her. She did virtually everything for us. She also ran the house and ordered the shopping. She was the one you turned to with a problem. I remember crying when it was her day off. She was devoted to us. It was important that she continued to be part of my family when I had my children."

The Brices, 1956-1964
Her only charge, Jeremy Brice, now 40 and a builder, lives near Aberdeen with his wife and two children, aged nine and seven.

"Why my mother needed a nanny I don't know," he says. "I remember Nanny very warmly, like a surrogate mother. All the uniformed nannies met every afternoon in a certain spot in Kensington Gardens and the children would play together. I continued to see her after I went away to school. Everyone thought that she was younger than she was."

The Hodgsons, 1964-1977
Nanny cared for Tessa, now 34, and Victoria, 32.

The Brices, 1956-1964
Her only charge, Jeremy Brice, now 40 and a builder, lives near Aberdeen with his wife and two children, aged nine and seven.

The Brices, 1956-1964
Her only charge, Jeremy Brice, now 40 and a builder, lives near Aberdeen with his wife and two children, aged nine and seven.

The Brices, 1956-1964
Her only charge, Jeremy Brice, now 40 and a builder, lives near Aberdeen with his wife and two children, aged nine and seven.



Nanny with Tessa and Victoria, now Hector's mother

into hospital and didn't trust my pair to be left with the children. Nanny lived in for a month. She was firm but never raised her voice. She could persuade by calmness and made life very happy for the children."

The Tydemans, 1995-present
Nanny spends one day a week with Hector, two in Barnes. His mother, Victoria, (née Hodgson) says: "Hector learnt the days of the week when working out which day

■ Problems with sleeping
A good bedtime routine, with bath, games and stories is necessary. My children were all tucked up by 6.30 pm. If a child wants to be in their parents' bed, put the cot in with them

■ Eating
I would never force a child. Gently coax them to eat a little. Find out what they like but don't give them an alternative such as jelly and ice-cream. But you can over emphasise nutrition

■ Crying babies
I don't believe in letting them cry for more than five minutes. They want attention or have a pain


■ Discipline
Badly behaved children are seeking attention. Distraction is best. I have never smacked a child. Just talk to them

■ Potty training
We potty trained from the word go, holding the baby on our laps over a tiny potty. They were clean from a young age

■ Dealing with colic and wind
Holding the baby over your forearm, upside down, eases wind. For colic, walk the baby round and round, and give it gripe water

■ Manners
I taught my children to hold doors open for adults. Children should ask to get down from the table but I don't agree with making them sit while adults finish eating

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he end of a dream

COSMETIC



Dr Thomas Stuttaford reports on hallucinations, angina, and the effect strenuous exercise has on enzymes

The end of a dream

There will be fewer ghost stories for psychic researchers to investigate if a new tablet, Provigil (modafinil), is widely prescribed. Provigil is likely to put paid to many stories of hauntings.

Those of us who have lived in a haunted house do not need to be convinced of the existence of the supernatural, but many ghost stories are no more than visual, auditory or sensory hallucinations associated with narcolepsy. Although these hallucinations — a feature of the condition, which 2,500 people in the UK admit to having, though the actual incidence is probably much higher — are known as hypnagogic dreams, they are not true dreams, because the person is not fully asleep. Even so, the images are so vivid that those who have them find it hard to believe they were not wide awake.

Sufferers may fall asleep at the most awkward moments

The hallucinations may occur just when one is nodding off to sleep or waking up, or when one is dozing during the day. If they occur while a person is going to sleep, they are, technically, described as hypnagogic dreams: if it happens during waking, as hypnopompic. The image is incorporated into a person's surroundings, so that the apparitional servant girl or man in black appears at the bedside or walks across the room — and even speaks. Although hypnagogic hallucinations do not occur solely in those suffering from narcolepsy, they are one of four symptoms associated with the condition — the others are excessive sleepiness during the day; cataplexy (sudden loss of muscle tone that causes the sufferer to crumple); and sleep paralysis (being unable to move while waking up or

going to sleep). Only rarely does a sufferer display all four symptoms.

A hypnagogic dream is a fascinating phenomenon, and may cause concern to those who fear that the value of their house will plummet if there is talk of hauntings, but daytime drowsiness and the irresistible urge to sleep are the real dangers — not only for the patient, but also for other people. Typically, the feeling of overpowering sleepiness lasts for about 30 minutes, and can occur as soon as one gets out of bed first thing in the morning. Excessive sleepiness can cause death on the roads — more people are killed by people who fall asleep at the wheel than by drunk drivers — and those who operate machinery are at risk from injury.

Even when half asleep or fighting overpowering tiredness, people with narcolepsy may continue to perform a task, but in a bizarre way — indeed, they may have no recollection of having carried out a function or, if driving, may lose their sense of direction. In their half-asleep state they may talk nonsense to their companions, as if they were characters in a dream.

The actual onset of sleep can come at very inconvenient moments, not only dangerous ones (driving, say), but at socially embarrassing ones — in the middle of a site-a-test, an important negotiation or a romantic date. The greater the excitement of the occasion, the more likely a person is to succumb to sleep.

One of my patients once told me that his courtships frequently ended in disaster, because as soon as he found his companion particularly desirable he was apt to collapse into the soup. The same man said that as a youth he had been part of a rowing eight — just as it was about to win on one occasion, he suffered an attack and suddenly slumped forward.



Haunting images: many ghostly "apparitions" are merely hallucinations, one of four main features of narcolepsy

People with narcolepsy are also apt to fall asleep while making love. Men also have a higher incidence than would be expected of impotence and loss of libido. Not surprisingly, recent research showed that 23 per cent of narcoleptic people who became divorced or separated attributed this to their condition.

And it can be as destructive in the bedroom — 24 per cent of people have resigned their jobs because of recurrent attacks of falling asleep at inappropriate times, while 18 per cent had been sacked from one or more jobs because of their disability.

The diagnosis of narcolepsy is sometimes so obvious that it can be made on history alone. In other cases the person may have to undergo tests to rule out other underlying medical problems or to have more specific assessment at a sleep laboratory centre, where doctors will measure the time it takes for a patient to nod off and how soon they lapse into rapid eye movement (REM) sleep; both happen more quickly in those suffering from narcolepsy.

Treatment initially involves changing the lifestyle to prevent tiredness — this includes getting an adequate, regular amount of sleep at night and taking scheduled naps during the day. Caffeine is a help and amphetamines have been prescribed since the 1930s. The new drug Provigil is much more specific than amphetamines and therefore the level of undesirable side-effects is very much less.

Beware pain in the chest

The actor Dermot Morgan, who played television's Father Ted, is said to have had chest pain on a few occasions before he collapsed at his dinner party and to have dismissed the pain as mere indigestion.

Angina, the pain experienced by patients with heart disease, is brought on by the narrowing of the coronary arteries as a result of the deposition of atheromatous fatty plaques that have stuck to the inside of the arterial wall. The heart muscle beyond the narrow point is starved of oxygen and nutrients.

Angina can range from a mild ache, or a feeling of fullness to a totally disabling pain, often described as tight or gripping, or crushing or heavy. The pain may radiate up into the neck or down the arms.

The different patterns of angina are all important as it may be lifesaving to distinguish between the classical angina of exercise, exertional angina and unstable angina.

The type of angina induced by exercise only gradually becomes more painful, or more easily induced. The attack may be precipitated by excitement, either emotion or anger, as well as by exercise and occurs most readily when excitement is superimposed on exercise, as when running for a train. Exertional angina quickly disappears once a patient rests. All angina should be investigated so that the state of the coronary arteries may be accurately assessed, but stable, classic exertional angina is only rarely life-threatening.

Unstable angina represents a medical emergency. Between 200,000 and 300,000 people are admitted to hospital every year with unstable angina.

In unstable angina one of the atheromatous fatty plaques ruptures and this leads to the formation of a clot

which may block an artery. The symptoms of unstable angina are different from those of angina caused by exercise. There is no regular, obvious relationship with exercise and the pain is not immediately eased by resting.

The term unstable angina embraces an initial attack of angina lasting for more than a few minutes but in which there has been an actual heart attack: angina which comes on at rest; angina which is rapidly worsening and occurring more frequently, or one that is induced more easily by increasingly trivial effort.

A recent report in the *British Journal of Cardiology* by Professor Keith Fox of Edinburgh and Nick Bosanquet of the health and economics department at Imperial College School of Medicine, London, compared the cost of stabilising patients by using the clot-preventing anticoagulant Clexane, a low molecular weight heparin, with that of using standard heparin. The new preparation is not only more efficacious and more easily administered, but when all the costs are added its use would save the NHS £7 million a year.

DR ULRICH SIGWART, a consultant cardiologist at the Royal Brompton Hospital, says: "Patients admitted to hospital with unstable angina need immediate stabilisation. In many cases they are investigated at once, and if the results of the tests show that either an angioplasty or a bypass operation is needed, it is done immediately."

Dr Sigwart prefers aspirin and Clexane to standard heparin for stabilisation because of its ease of administration.

As Dr Sigwart says: "The treatment of unstable angina raises very different issues from the treatment of angina of exercise — it's an emergency."

Is it OK to run your heart out?

ANY association between the bunting of red deer on Exmoor and the life of a banker in Washington is not immediately apparent.

This week, however, I was reading the report of Professor Patrick Bateson on the physiological effects on deer of being hunted and a distinguished cardiologist's findings about the heart of a Boston banker who became a

marathon runner. The two reports were similar, but their conclusions different.

The muscle enzyme levels, which rise with heavy exertion and physical and psychological stress, were skyhigh after the banker's run. Professor Bateson would undoubtedly have concluded that

marathon running was institutionalised cruelty and should be banned.

Running in one marathon left the banker with permanent ECG changes. An American cardiologist suggested that he run no more. However, having thoroughly investigated the banker over

here, the British cardiologist comments: "I suggest he continues to lead a normal, active life. In particular, he is fit to continue with his running."

Perhaps the deer recorded by Professor Bateson who show similar enzyme changes to marathon-running bankers do not, as has been supposed, wander away to die but continue to graze happily after a day or two of rest.

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Pride goes before Pugin wallpaper

Magnus Linklater says Irvine is clever but too grand for his woosack

For a man who has the confidence of the Prime Minister, Lord Irvine of Lairg is collecting a remarkable number of black marks. The fact that spin-doctors were to be found yesterday reassuring political journalists that his position was absolutely secure is in itself a measure of worry in Downing Street — Lord Chancellors shouldn't be getting that much attention. His predecessor, Lord Mackay of Clashfern, was occasionally heard and even more occasionally seen. He won praise from Margaret Thatcher as the best brain in her Cabinet, but he reigned only two small entries in her autobiography. Both probably felt that was about right.

Lord Irvine, by contrast, is impossible to ignore. It is not just a question of Pugin wallpaper, it is a matter of personality. His performance in front of the Select Committee on Tuesday was characteristic self-confidence, abrasive, arrogant, and politically naïve. Even the MPs who questioned him seemed mesmerised by this exhibition of *de haut en bas*. What politician would his salt could have failed to realise that making disparaging comments about cheap wallpaper when you are under fire for the gross extravagance of your own is to invite ridicule and possibly contempt? I doubt, however, if Lord Irvine himself gave it a thought — he somehow does not look like someone who rushes back to watch the evening news.

For someone with his humble origins — his father was an Inverness slater and his mother a waitress — he appears as remote as any Lord Chancellor since the war. Should any of this matter? Lord Chancellors, after all, have little to do with ordinary folk in the course of their day-to-day business. They appoint judges and supervise the working of the courts; they reform legal procedure; they are ex-officio Speaker of the House of Lords; they pilot government legislation through the Lords, and they hear occasional appeals on House of Lords committees.

But they are also political appointments of great moment, sitting in Cabinet, wielding influence both through their office, their legal expertise, and the patronage of the Prime Minister. In the case of Derry Irvine this influence goes deeper than most. He sits on four powerful cabinet committees; he has the confidence and respect of Tony Blair who, by all accounts, consults him regularly; and he is prepared to make his views felt. Only last week, he stepped in to head off a move by the Scottish Secretary, Donald Dewar, to introduce gender equality in the Scottish Parliament. Yesterday, he incurred the wrath of Scottish MPs by having his statement on legal aid introduced in the House of Commons right in the middle of an already guillotined debate on the West Lothian question.

He does not notably warm to the democratic process. Among those who have felt bruised by his disdain for their views are several members of his own party, mainly backbenchers. They are painfully aware that he has little time for them. Few have actually met him, but that does not impair the strength of their feelings towards a member of their own cabinet.

For some time ago back to legal advice Lord Irvine gave Neil Kinnoch over the expulsion of militant members of the party in Liverpool. It was, as one MP recalled, "harsh, undemocratic,

and quite possibly wrong. It certainly showed no vestige of socialist charity." He may be the first Labour Lord Chancellor for 20 years, yet they search in vain for signs that he either respects or values the traditions of the party.

None of this will matter greatly in the long run if he proves to be a good Lord Chancellor. Here especially, in the execution of that office, an overbearing nature and a failure to be aware of political sensitivities could undermine the very achievements he is intent on. He has already taken on his own profession over the high level of lawyers' fees, and has set about reforming legal aid. Reaction has been, perhaps inevitably, hostile, and his own brusque response to criticism has not helped his case.

Succeeding in these two fraught areas will require much persuasion as well as legal expertise. Lord Mackay, who also fell foul of his fellow-lawyers, nevertheless achieved much through quiet diplomacy. He is even remembered with something like affection within the profession. Praise for his independence, and for picking judges on merit whatever their political views, he was responsible for the promotion of men like Stephen Sedley, Leonard Hoffman and Harry Woolf, none of them notably sympathetic to the Government's approach to legal reform.

No one who has watched Lord Irvine's performance on the woosack doubts his formidable abilities. He piloted through the House of Lords the Human Rights Bill in the Lords with skill. One fellow-lawyer in the House thought his mastery of the brief was exemplary, and his handling of amendments astute. He has shown pragmatism in watering down his legal aid provisions to take account of the criticisms made by fellow-professionals. And he has managed to patch up what looked like a damaging break-down in relations with the Home Secretary.

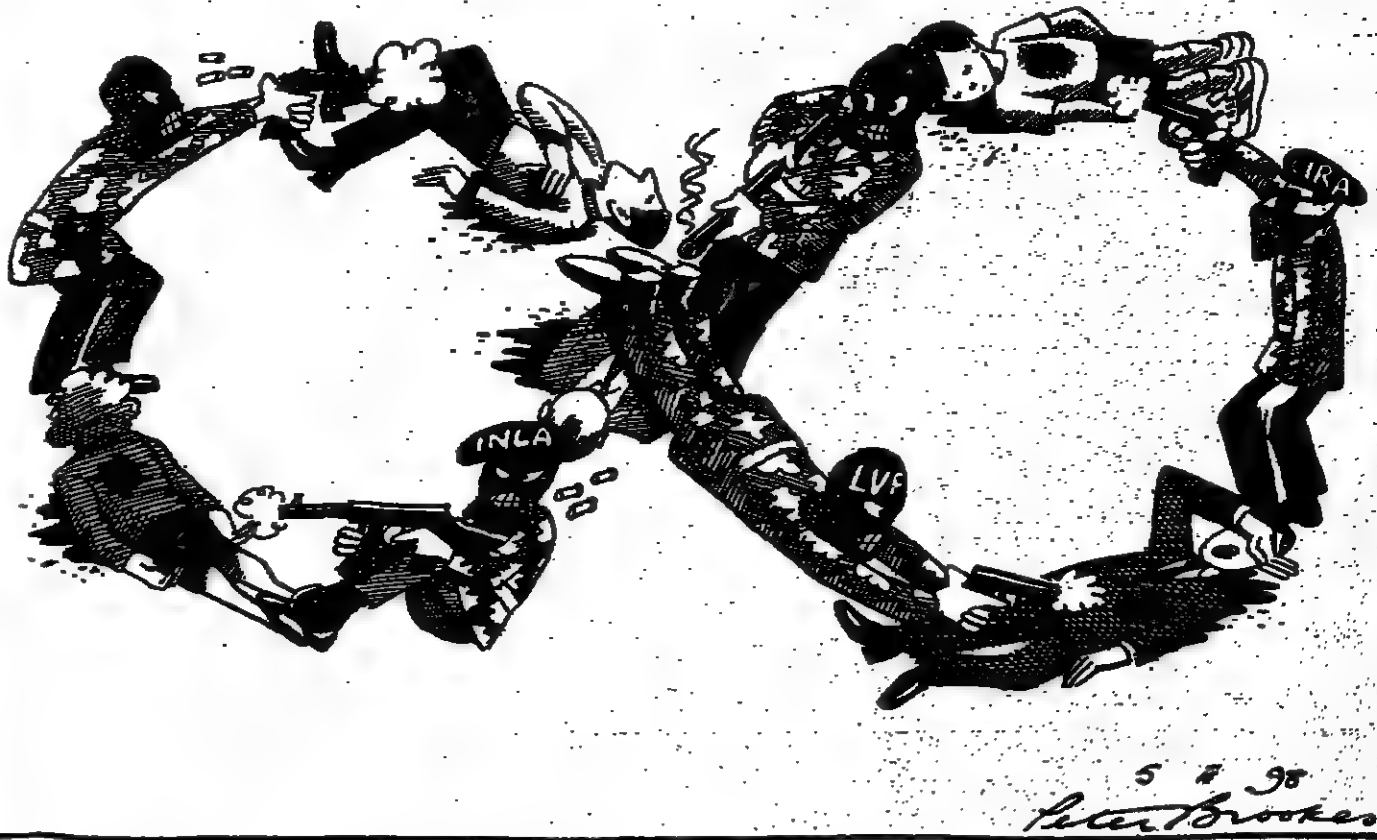
Lord Chancellors are rarely dropped. They come, after all, higher up the order of precedence than anyone save the Archbishop of Canterbury. Lord Irvine, for the moment, is secure. But even he has begun to admit that the constant media attention, the running criticisms of his expensive tastes, and the complaints about his arrogance are limiting his ability to fulfill his considerable ambitions. He himself may regard the fuss over his refurbished apartments as "a storm in a tea cup" but it is still a very choppy tea-cup, and he has not helped calm it by dismissing criticism on the one hand and appearing to shift responsibility on the other.

He has still, for instance, not addressed the issue of whether it was he or the "relevant House authorities" who took the decision to embark on the £650,000 renovation. This may, in his view, be a minor detail, but it is precisely in the detail that the devil is to be found.

A Lord Chancellor has to win friends and influence people as well as win the argument. His position may be safe for the moment, but if he wishes to escape the limelight and return to the decent obscurity of a hard-working Lord Chancellor, he might perhaps aspire to emulate a previous Lord Chancellor, Lord Jowitt who the accolade from Clement Attlee that he was "a nice, bright, clever chap, never gave me any trouble."

There is no sign that he respects the traditions of his Party

infinity/ n. I.M.E. Math. Infinite quantity (denoted by ∞)
— Shorter Oxford Dictionary



Mysteries of China

Peter Stothard, the Editor, on Beijing, Murdoch and The Times

One of the skills necessary for commentators on communist powers is that of describing events as they were not present. When I recruited the American academic and journalist Jonathan Mirsky for *The Times* in 1993, I knew that he was a man who could sniff a change of China policy from the *People's Daily's* gardening column, the rise of Mr X or the fall of Mr Y from the punctuation on a wall poster. Readers of *The Times* have had the benefit of his experience ever since.

This week my colleagues and I have had the peculiar experience of being described by our colleagues, Dr Mirsky, almost as though we ourselves were the heirs of Mao Zedong. The journalist on our Foreign Desk and comment page have suddenly seen themselves portrayed as secret censors acting for the business interests of Rupert Murdoch. Our leader writers find themselves implicitly accused of silence by coercion. A formal meeting which I had in Beijing last year with the Chinese Deputy Premier, Zhu Rongji, is presented by my Hong Kong-based correspondent, who was not present, as though it were some ritual humiliation of this newspaper.

Perhaps I should not be worried about this. This is hardly the first time that a foreign correspondent on this or other newspapers has felt aggrieved at his editors in London. Most correspondents file more articles than ever appear. Most have moments when they feel isolated from office life and see imagined reasons why their rivals' copy should be preferred to their own.

Some journalists are more useful when analysis is needed; some are happier as descriptive writers or reporters. Many find that British readers are engaged by different issues than those that excite the local press of the country in which they are based. Few would see it as a "scandal" when a feature idea that is rejected here is accepted by *The Wall Street Journal*.

As a former foreign correspondent, I can recall all those feelings. As Editor of *The Times*, however, I find that one of my senior correspondents sees my resolution of such familiar sources of disputes as censorship. That is a wholly different matter. According to reports originally published on the Internet and reprinted by *The Daily Telegraph* and *The Independent* yesterday, Dr Mirsky sees the ebb and flow of our coverage from China as governed by the hand of Mr Murdoch.

The published facts are simple enough. *The Times* has always supported the general principle of the Patten reforms for Hong Kong. The arguments were close, but on balance I believed that they were the best way forward for the colony, for its future and for China itself. Having made that decision, we stuck with it. *The Times* has given great prominence to the news from Hong Kong and China, both in range and quantity very similar to that of *The Daily Telegraph*. On this page *The Times* has published views varying from those of the

most fervent Patten supporters to his most virulent critics. For the unpublished facts from behind the scenes at *The Times* I ask the reader to accept the Editor's word. In respect of this issue and all others, this newspaper has been edited by its Editor in accordance with specific guarantees given to Parliament. It has been censored by no one.

Dr Mirsky makes special conspiratorial mention of my visit to China last year when I led a small group that included our Beijing correspondent, James Pringle, and Les Hinton, the Executive Chairman of News International, the company which owns *The Times*. The origins of the trip lay in our sponsorship, the previous autumn, of the British Museum exhibition, *The Mysteries of China*. This prompted the Chinese People's Daily newspaper to ask if they could send a delegation to London and their return invitation to us to Beijing.

Dr Mirsky was very anxious that he should be included in the party. My own view was that our man on the spot, whose experience of the region goes back to the Vietnam War and the Cultural Revolution, was all the help that I needed. The Chinese Embassy suggested that there might be the possibility

of a meeting with President Jiang Zemin. As is a common practice in dealing with Asian governments, we submitted some questions and areas of interest for this potential event. The embassy gave warning that Jiang had agreed to do only one interview — for American TV — but that the bid was worth a try.

Dr Mirsky has read into these events more than meets the eye, and much that never happened. He is wrong to say that I requested the Chinese Embassy to set the questions for the President. There was no trace of a threat from the Chinese that I would not see Mr Jiang unless I changed my questions. It is on the basis of things that never happened that he accuses me of "self-humiliation". He concludes that, in our attempts to guarantee an interview which I had never been promised, we had "lowered ourselves into our own toils". I find it hard to read these words as coming from the mouth of the man with whom I have worked happily for so long.

When we arrived in Beijing, we were told that we could see Zhu Rongji, the Deputy Premier and rising political star. According to local China-watchers, whose interest in our presence was hardly less than Dr Mirsky's, this was a piece of good fortune. Mr Zhu, we were told, understood English and English well — and he was often prepared to speak his mind.

The meeting was arranged for the Zhongnanhai, a place where few Chinese and fewer foreigners ever go, a complex of lakes, lawns and pine trees where the leaders live and work.

Inside, in a red chamber behind dragon screens, the scene was like a royal investiture. As I faced my interlocutor through a wall of flowers, we exchanged diplomatic pleasantries before moving on to discuss the future of Hong Kong. It was fascinating to see, somewhat less fascinating to hear.

There were two moments of friction. The first was when I mentioned the word "interview". It birds have turned their noses up at a couple of Georgian pads in the city's smart New Town area: a £125,000 two-bedroom ground-floor flat and a £160,000 three-bedroom first-floor flat. I suppose they will have to share it at Carlton Gardens and Chevening, the Foreign Secretary's official residences, while the search goes on.

TO YESTERDAY'S memorial service in the Great Hall at St Bart's for Lord McGregor of Duns, the former chairman of the Press Complaints Commission, where I spied the Lord Chancellor looking somewhat sheepish. I wondered why until I realised the mighty Lord Irvine of Lairg was sitting beneath a giant portrait of Henry VIII. You will recall, I am sure, that when the monarch tired of Cardinal Wolsey, to whom Irvine has compared himself, he threw him in the Tower.

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was clear that Mr Zhu did not see our conversation as an interview. He explained that he was "very sensitive today" since he had recently seen the Editor of *Newsweek* for what he thought was a private talk and had seen his words splashed all over the magazine's cover. Doubtless because the succession to Deng Xiaoping was then still very uncertain, he did not want this to happen again and would not answer questions in an interview form. I said that I preferred some answers rather than none. In the event, nothing he said would have made the front page of *The Times*. But contrary to Dr Mirsky's version, a small report by James Pringle, concentrating on the most newsworthy point, whether Tony Blair would attend the Hong Kong handover ceremonies, did appear in *The Times* on May 23.

The second awkward moment came when I raised the imprisonment of Wei Jingsheng and Wang Dan, both of whose causes we had championed in *Times* leaders over the years. The "context" was my concern about the future of press freedom in Hong Kong. Mr Zhu had said that "we will by no means interfere in the internal matters of Hong Kong including the press", adding that "we have nothing to fear" and that "it is no big deal if many people want to blame us, want to criticise us. If on the first of July they still want to do so they can continue".

I said that in that case it was hard for people in Britain to understand why China kept in prison "Wei Jingsheng, Wang Dan and some of the others, whose causes have been supported elsewhere". Mr Zhu objected, with some heat, that I was turning a "friendly conversation" into an interview. Dr Mirsky claims that at this point I apologised for asking about the dissidents. I did not. I said that I was sorry that there had been confusion over the terms of our meeting: the transcript in Dr Mirsky's possession makes this wholly clear.

The meeting ended in the same spirit that it began. I learnt a good deal about China's prospects during the ten-day trip. Despite a number of frank exchanges with the people we met, I was not, however, persuaded that Governor Patten should change his policies or that we should abandon our support for them. Nor did we do so.

William Rees-Mogg is away

Tories too can be Christians

Peter Lilley says Conservatism is not about greed

Conservatives need to respond to last May's defeat with that most central Christian value of humility. We need to ensure that we rebuild ourselves on solid moral and spiritual foundations. Our opponents have established in the public mind the belief that Conservatism is based on greed. Gordon Brown asserted this in his party conference speech last year: "British qualities have been grounds under by a crude free market ideology based on the narrow pursuit of self interest... the dogma that worships greed."

It is a deeply offensive assertion. I know of no one in any party who worships greed (though there are greedy individuals in all parties). Nor have I ever heard anyone promote "the narrow pursuit of self interest" as an aim of policy.

I have always been taught that Christians should attribute to their opponents the highest motives compatible with their words and actions, however much we may disagree with their policies. It is time we clearly asserted that the Conservative tradition is based on a sense of obligation to others, particularly to those in need.

My own Tory heroes are people such as Samuel Johnson, Swift, Burke and Coleridge and Disraeli. Johnson's household was a veritable welfare state of frail and unfortunate people in support of whom he spent the bulk of his income. From my first days at the Department for Social Security, I took as my mantra his doctrine that "A decent provision for the poor is the true test of civilisation". Swift gave away a third of his income to the poor and scribbled and saved from the rest to found a hospital for the insane. Burke and Coleridge based their profoundly Conservative writings on Christian faith. Disraeli's vivid descriptions of the "two nations" of his time was a compelling appeal to the rich "nation" to accept their obligation to alleviate the suffering of the poor.

Moreover, there is no conflict between this Tory sense of obligation to those in need, and to our nation as a whole and a belief in the free market. Adam Smith and Edmund Burke are perfectly compatible. Off course we should not go to the other extreme and pretend that Conservatives have a monopoly of virtue. The truth is that most of us who enter politics, whichever party we join, share some aims in common. We all want to make life better for our fellow men, especially the least fortunate. That is part of our common Christian heritage. It is wrong for any party to claim a monopoly of it.

But there is no consensus on the best means of helping those in need. There remains a sharp divide between the parties in our approaches, our analyses and our policies for tackling need. The opposition appear to see the market as based on selfishness and greed, generating poverty and inequality. By contrast, Conservatives see the free market as essentially positive. It releases and rewards human creativity. And it allows people to prosper only insofar as they satisfy the wants of others. Over time it has enabled the vast majority of people in Britain to achieve a decent income.

How should Conservatives and Christians respond to Tony Blair's attempts to identify his Government with religious and moral values? We should certainly not impugn the sincerity of his religious convictions. They are genuine and admirable. But he is very unwise to allow his media manipulators to exploit his genuine faith as a cynical marketing ploy. Above all, we should rebuke, and Tony Blair should repudiate, any attempt to portray new Labour as the exclusive embodiment of Christian values.

Know many people are also concerned by the deliberate use of quasi-religious language in political speeches. My own view is this is more likely to bring new Labour into disrepute than to be a cause of offence to believers. Concocting speeches by the random permutation of agreeable buzz words such as "modernity", "new" or "giving" is an insult to the listener's intelligence. Including a few words with religious associations scarcely constitutes blasphemy, though it probably invites ridicule.

More positively, Conservatives have a lot of ground to make up in our relations with the Churches. It, alas, became fashionable in Conservative circles to dismiss the entire clergy as ineffectual leeches. A few of the clergy did echo Paul Tillich, the theologian, who said that "socialism is the only possible economic system from the Christian point of view." But most do not. It is true that many assume that the free market is somehow tainted with greed. But that is simply because the moral case for free enterprise has gone by default. We have only ourselves to blame for that. It is time we put it right.

This is an extract from the *Willbir* force address delivered yesterday.

Fogey power

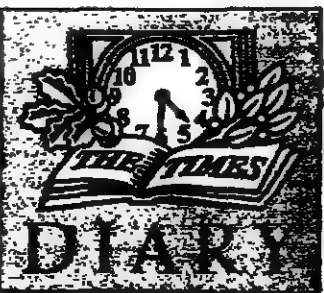
YOUNG fogeys have accomplished a noticeable coup at Oxford's Wadham College, a one-time bastion of left-wing intellectuals, by forcing the return of formal dining. Students at the college, once the alma mater of Michael Foot and Melvyn Bragg, have voted overwhelmingly to overturn a 20-year-old rule allowing casual clothes in the dining hall and to replace it with a dictate that gowns and chalk stripes must be worn instead. The new regime, initiated by a group of students seeking a return to formality, puts Wadham in line with other Oxford colleges. But the junking of 1960s ideals and their replacement by Brideshead Revisited-style nostalgia will be received with horror by left-wingers linked to the college. In the Sixties, when the college relaxed the rules, it was home to a colourful ensemble of liberal lecturers and students, among them George Forrest, aka the Red Dean, famed for sheltering exiles from the military junta in Greece.

In a sign of the changed times, however, Robert Woolf, one of the Wadham undergraduates who initiated the move, said: "We want something that is a little more Oxford. Just because somebody did something years ago doesn't mean we have to stand by it." But the influence of the Sixties remains robust: a portrait of Foot, the apotheosis of left-wing scruffiness, is expected soon to be hanging in the dining hall, starting down at the black-tied undergraduates below.



ROBERT EDWARDS, the Cambridge scientist who, along with the late Patrick Steptoe, was responsible for the first test-tube spog 20 years ago, is about to experience the delights of his invention himself: his daughter is due to give birth to a baby conceived after IVF.

He's back PETER WANLESS, Michael Portillo's boy wonder, has popped up again in mainland. The civ-



il servant was plucked from obscurity in 1994 at the tender age of 27 by the then Employment Secretary to be his head of press. Wanless was credited with "softening" Portillo's image, an accomplished if premature enterprise. The minister was said to be grooming the youth for stardom until the great humbling last May. Some Whitehall types looked forward to Wanless sinking without trace. But now David Blunkett has picked him as top strategist in his Education and Employment Department. I shall keep you informed of his progress.

RUPERT ALLISON is to share his wisdom on using for libel on the cheap. The former Conservative MP (aka Nigel West, the speaker) has won 22 actions representing himself and is now to help pen a book for would-be libel and slander litigators, contributing a chap-

ter on DIY suing. Obviously his £50,000 hit after losing his latest libel action (against News 1 Got News For You, the television programme) has not dimmed his enthusiasm for the Bar.

Nesting pair ROBIN COOKS search for a love nest goes on. The Foreign Secretary and Gaynor Regan, his squeeze, have been looking for the perfect des res in Edinburgh, close to his constituency, since news of their secret liaison broke. So far the love-

birds have turned their noses up at a couple of Georgian pads in the city's smart New Town area: a £125,000 two-bedroom ground-floor flat and a £160,000 three-bedroom first-floor flat. I suppose they will have to share it at Carlton Gardens and Chevening, the Foreign Secretary's official residences, while the search goes on.



The medalman man image will have to go

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Edward Welsh



Jason Kay of Jamiroquai

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Edward Welsh



IRVINE'S LAW

The Lord Chancellor bows to others, but keeps on course

Lord Irvine of Lairg has lost both credibility and support by the way in which he has handled the £650,000 renovation of his apartment. His office demands dignity and trust. Whatever the benefits of apartment overhaul, the manner in which he has conducted himself has been maladroit and damaging. But there are other acts of profligacy in the Lord Chancellor's department that go beyond decor, and even beyond candour.

Hard figures outrank soft furnishing. There should be real public anger at the huge, and rapidly growing sums, spent on legal aid. Net expenditure on legal aid in 1990-91 was £682 million. For 1996-97 it was £1,477 million, an increase of 115 per cent. As Lord Irvine pointed out last October, "No other area of public expenditure has grown so fast over so short a period of time". By turning his attention to this grotesque drain on the taxpayer with a consultation paper which presages wide reforms Lord Irvine deserves strong support.

When the Lord Chancellor first outlined his plans to reform legal aid to the Law Society last year there was predictable opposition from the profession. They were doing very well, thank you, from the current system. Ninety per cent of the legal aid bill is currently swallowed up by lawyers' fees. Yet, while civil legal aid payments have risen by more than 43 per cent in the four years to 1997 the number of people helped had gone down by 9 per cent. The Lord Chancellor proposed then to reduce expenditure, by introducing cash-limited contracts for criminal and civil work as well as extending the operation of conditional fees, the "no win, no fee" system. He proposed to exclude claims for money or damages from legal aid. Lord Irvine argued, rightly, that the taxpayer should not have to support cases which lawyers did not believe were strong enough

to accept on a "no-win, no fee" basis. The State should no more be picking winners in litigation than in industry.

Lawyers, anxious not to have their state subsidies withdrawn, were alarmed and raised objections. To their credit, the Lord Chancellor and his imaginative lieutenant, the Parliamentary Under-Secretary, Geoff Hoon, have untangled good arguments from bad in their first consultation paper, *Access to Justice with Conditional Fees*. They have preserved the thrust of their reforms while accepting necessary amendments. Lord Irvine has indeed listened.

The State will continue to provide money for the significant costs necessary in some medical negligence cases, where expensive expert work is required before an assessment of winnability can be made. The taxpayer will also fund those cases where the public interest would be advanced by the testing of a point of law, even if the chances of success for the plaintiff would not otherwise recommend a contest in court.

The poorest in society will still be able to rely on legal aid support in defence of their rights. Money will still be available for cases which involve access to housing or social security benefits and holding bureaucracy to account through judicial review. The Lord Chancellor has also indicated that the initial costs of bringing an action, and the slices of the damages which a lawyer can claim in the event of victory, could be considered as part of the overall amount to be awarded a successful plaintiff. Such a step might reassure those with scant resources but a solid case that it is worth an outing. Yesterday's consultation paper is the first stage in a comprehensive programme for controlling a bloated budget. Lord Irvine deserves credit for showing that it is not only when he is in the Scottish National Gallery that he can focus on the big picture.

BLAIR'S MAYORS

Leadership is the key to local government's revival

Forty years ago, *Parkinson's Law* suggested that "Men enter local politics solely as a result of being unhappily married". Regardless of their gender or marital status there will be a lot of unhappy Labour councillors this morning. Tony Blair's pamphlet on local government published yesterday offers an ambiguous promise of increased powers in return for the certainty of sanction for inadequate performance. This carrot and Sennet approach was only part of a stark critique of Britain's council chambers. If the Prime Minister's words are translated into action then radical change can be expected. This will be popular with most consumers of local services but not many in his own party.

The Prime Minister argued that there are three central problems at present. First, most localities lack a clear sense of direction. Second, there is a similar absence of coherence and cohesion in delivering local services. Third, the quality of local services is too variable. This is reflected in the low level of turnout in local elections. To paraphrase Mr Blair, the vast majority of voters do not know who runs their local authority nor what it does, and many do not receive value for their money. Or, as he somewhat more politely put it, "leadership and strong government are qualities that are needed as much at local level as at national level". It is difficult to disagree with this assessment.

Mr Blair laid out a set of possible solutions. He again expressed his enthusiasm for an elected mayor in London and his support for a Bill sponsored by Lord Hunt of Tenworth that would allow other cities to undertake the same experiment. At the moment, the Prime Minister noted, councillors are captive creatures of committee meetings or the "secret world" of party caucuses. A disproportionate number are either retired or employed in parts of the

public sector. Mr Blair wants them to spend much more time in their communities. He also endorsed a collection of innovations — weekend elections and supermarket polling stations — to promote local participation.

This is an admirable blueprint. It would involve a fundamental shift towards a small number of full-time elected figures with a real mandate and profile. This would be, as American experience indicates, the most reliable route to a more dynamic, efficient and responsive form of local politics. The personal nature of these contests will ensure true competition even in areas which are overwhelmingly dominated by one political party. It should not only encourage higher turnout but, rather more importantly, also inspire elections actually fought on local issues rather than the current snapshots of national sentiment. Without this shift, Whitehall will not initiate substantial decentralisation and the Treasury will not tolerate additional financial autonomy.

However, Mr Blair's vision will not be achieved automatically. Lord Hunt's very commendable proposal might well fail to become law this year. The Conservatives have chosen not to take a constructive approach towards this legislation. Even if the Hunt measure enters the statute book, the number of councillors willing to support an elected mayor may be distinctly limited. London is likely to acquire an elected mayor but also an influential assembly that will not see itself as a subordinate instrument. This could prove a recipe for conflict not creativity. The Prime Minister noted that in the last century, "central government breathed life into ancient city corporations". New elected institutions were imposed from Westminster before any fresh political authority was transferred. History, it would seem, may have to repeat itself.

AWAY GOALIES COUNT DOUBLE

The English keeper is an endangered species

The hero of Aston Villa's defeat by Atletico Madrid in the first leg of the quarter-final of the Uefa Cup was Mark Bosnich. Without him Villa would have lost by several more than 0-1. The surprising fact about this footballing hero is that he is a goalkeeper. The unsurprising fact is that he is neither a Brummie nor even English, but Australian.

For, as our chief sports writer observes today, the great English goalkeeper is a threatened species. The best-known goalkeepers in English football are foreigners such as Peter Schmeichel (Denmark) and Kasey Keller (US). The Premier Division has become a goalmouth scramble of aliens, but a higher proportion of them stand between the posts than in any other position. David Seaman is the only native of consequence.

So what is the explanation for the fading of the peculiar skill that England gave to the world? What has happened to the tradition of Swift and Banks, Clemence and Shilton? Goalkeepers were seldom as highly valued in wages or collectors' cards as strikers. If sport is not about winning or losing but about who gets the blame, the goalkeeper is the only player whose failures are recorded and triumphs ignored by the scorebooks. But England was once the nursery of mighty goalies such as "Fatty" Poulke, who kept the ball out of the net for England a century ago. He weighed 24 stone, snapped the crossbar, and when injured was too big for the stretcher and had to be carried off by six men.

Why are the best goalies no longer English? One reason is that more countries play football and the Bosnian ruling allows players to migrate around the EU in pursuit of their trade. Another reason is that the new rules favour trained goalkeepers who can also use their feet rather than the traditional 6ft-plus British keeper who is built for leaping to clutch high crosses. But the main reason is that goalkeepers are of a nation but not national players. They are solipsists and, pace Carlini, the existentialists of football.

The Pope, Nabokov, Yevushenko and Carnus kept goal. Unathletic children who do not like the hurly burly end up by keeping goal with a good book. You do not have to be mad to be a goalkeeper. But it helps. The national *élan* of the French does not tend to produce great goalkeepers. But French custodians have crazy names. Bats, Dropsy and Rust all kept goal for France in the 1980s. However, the honour of the worst save in footballing history goes to Isadore Irandir of the Brazilian team Rio Preto who let in a goal after three seconds. From the kick off the ball was passed to Rivelino, who scored instantly with a left-foot drive from the halfway line. The ball went past the ear of Senhor Irandir. For he was on his knees at pre-match prayers in the goalmouth.

Nationality is irrelevant for such heroes. More important, they need thick skins, instant reactions, and in these days when a goal can cost millions, a foot and a prayer.

UN holds Saddam to his obligations

From the Foreign Secretary

Sir, Your leading article, "Unresolute UN" (March 3), claimed that the latest Security Council resolution on Iraq (1154) had somehow weakened the United Nations position towards Iraq. That is a very odd conclusion. The resolution, which the UK drafted and Japan co-sponsored, was unanimously adopted by all 15 members of the Security Council. The final text is almost identical in its key elements to the UK's first draft.

The resolution provides a clear endorsement of the Memorandum of Understanding signed by the Secretary-General and the Iraqi Government, reinforcing the message from the international community that Iraq must abide by its commitments in that agreement. It contains a very clear warning that any further Iraqi violations of its obligations will have the severest consequences for Iraq: language identical to the five Permanent Members' oral advice to the Secretary-General before he visited Baghdad.

And the resolution emphasises that if Saddam Hussein finally decides to comply with the relevant provisions of UN resolutions, the process of relaxing sanctions can begin. It is very much in the interests of the Iraqi people that he does so.

There were lengthy discussions over the text of the resolution. This is usual practice at the UN and indeed is the stuff of diplomacy. But the result is a resolution which can provide a sound basis on which the international community can hold Saddam to his undertakings. All of Britain can share in the credit for taking the lead in this expression of international resolve.

Yours faithfully,
ROBIN COOK,
Foreign and Commonwealth Office,
London SW1A 2AH,
March 3.

Nuclear submarines

From Sir Patrick Duffy

Sir, The defence review is raising worries about the future of the Royal Navy's 12 nuclear-powered attack submarines (SSMs) and is expected to lead to a cut in the number of submarines "because of the reduced threat from the Russian Navy" (report, February 28, later editions).

To keep within the defence budget, the Government clearly has a number of difficult priorities to identify. It will bear in mind that the Russian submarine-building programme has survived intact while every other branch of the Russian Armed Forces has been cut back. However, unlike anti-submarine warfare (ASW) might now appear, it is essential to keep one's hand in. As long as we have a sea-borne deterrent we will need to play in the premier league. Once we lose our ASW edge, we will never recover it.

The Government will be concerned also for a symbiotic relationship between its defence policy and "defence diplomacy". But only a mix of diplomatic exchanges and the "other" ability of a military force offshore can provide a potent influence for conflict resolution.

That military force will need to be mobile, flexible, stealthy, capable of forward deployment and well equipped. The introduction of the Tomahawk submarine-launched cruise missile will enable the SSMs to meet these requirements.

Yours sincerely,
PATRICK DUFFY
(Parliamentary Under-Secretary of State for Defence (Navy), 1976-79),
153 Bennetthorpe,
Doncaster DN2 6AH,
March 3.

Taxes and transport

From Mr R. Temple

Sir, It is clear to me that the Government intends to fulfil its promise to increase motoring taxes significantly at the next Budget. But will the promises to use the money to increase the use of public transport be forgotten?

The simple and easy way for the Chancellor to fulfil this second promise would be to allow tax relief on season tickets, an action which is instant, does not require any expenditure of capital and does not require any complicated plans to subsidise existing transport systems.

The money goes directly to the public-transport user and promotes the long-term use of public transport.

Yours faithfully,
R. TEMPLE,
3 Bramble Lane,
Sevenoaks, Kent TN13 1SY,
March 3.

Ringling complaint

From Mr Tom Stanier

Sir, Last night my evening at home was interrupted three times between 7pm and 8pm by strangers trying to sell me things on the telephone.

Is there anyone (apart from the salesmen themselves) who would not welcome a law that outlawed this practice?

Yours faithfully,
TOM STANIER,
74 Palewell Park,
East Sheen, SW14 8JH,
February 25.

LETTERS TO THE EDITOR

1 Pennington Street, London E1 9XN Telephone 0171-782 5000

Call for consensus on Lords reform

From Lord Alexander of Weedon, QC

Sir, Lord Irvine of Lairg confirmed yesterday, before the Commons Public Administration Committee, that the Cabinet committee on reform of the House of Lords is working on proposals for the new make-up of the second chamber (report, March 4) and is doing so without consultation with other parties. He dismissed the president of consultations on constitutional issues in the splendidly robust phrase "a muckle lot of good it did them". In doing so he conveniently forgets the Labour election manifesto which promised all-party talks on the final shape of a reformed House of Lords.

Change to the composition of the second chamber is inevitable and momentous. There are a number of key choices that need to be made as to the part, if any, to be played by hereditary peers, appointed peers, the length of such appointments, and the extent to which members should be elected.

Lord Chancellor's brush with DIY

From Mr John E. Downes

Sir, I am prepared to accept that the Lord Chancellor's official residence should be refurbished to a high standard (letters, February 25, 28, March 4), even though it is only ten years since it was last done.

I do find it offensive that the Chancellor was not content to state the case for such refurbishment on its own merits, but found it necessary to bolster it up by a sneering reference to DIY (report and sketch, March 4).

Those of us who redecorate our own quarters do not need to be reminded of the imperfections of our work by one enjoying the pleasurable ambience of an official residence financed by our taxes.

Yours etc,
JOHN E. DOWNES,
118 Surley Row, Emsay Green,
Reading, Berkshire RG4 8QD,
March 4.

From Mr John Quayle

Sir, No doubt the refurbishment of the Lord Chancellor's official residence has been well carried out and will, as he suggested in his letter to Black Rod, "benefit future generations" (text, February 25). That he has been greatly involved in the scheme is clear, and so far at least he has received support from the Government.

I cannot but contrast all this with the treatment afforded Air Chief Marshal Sir Sandy Wilson who, three years ago, and with much smaller sums involved in the refurbishment of his official residence, was hounded out of the Service and his career ruined (reports, February 10 and 11, 1995). I understand that the residence was subsequently sold for a good profit, which would indicate that the money spent on it was not out of proportion to its worth.

Could double standards be at play?

Yours faithfully,
JOHN QUAYLE,
Pond House, Apsley Farm,
Goose Green Lane,
Thakeham, West Sussex RH20 2JL,
March 3.

From Mr Bernard Kaukas

Sir, The Lord Chancellor has justified to the Public Administration Committee the use of wallpaper in his lodgings costing £300 per roll, on the grounds that, unlike DIY material, it would last for 60 years.

Coincidentally, I had been pondering on whether or not to redecorate the smallest room in this house, and had already decided against it since it looks as good as when I did it myself 20 years ago for a material cost of £740.

During that period it has not only received unrelenting daily and nightly visits by a variety of people, but has

The work of the chamber in shaping legislation, as we saw with amendments to the Teaching and Higher Education Bill (report, March 3), is politically and socially important. Thus any change needs to carry the widest possible consensus.

Lord Irvine may fear that the Opposition would prove obstructionist. But in the past the Conservatives, and notably fine statesmen like Lords Carrington and Hailsham, have actively promoted sensible change in the composition of the Lords. William Hague has a great opportunity to build on this tradition. He could, and I believe should, publicly offer to join in all-party talks designed to achieve a package of reforms which best strengthens the credibility and influence of the second chamber.

Yours faithfully,
ROBERT ALEXANDER,
House of Lords,
March 4.

often acted as a reading room, smoking room and sulking room. It is also so small that one can hardly help brushing against the wallpaper on entering and leaving. The committee is welcome to visit and make their own appraisal.

Yours faithfully,
BERNARD KAUKAS,
13 Lynwood Road, Ealing, W5 1UQ,
March 4.

From the Chairman of the Attingham Trust

Sir, Barry and Pugin's Palace at Westminster is one of the best known and best loved buildings in the world. Pugin, whose interior decoration the Lord Chancellor is under attack for wishing to restore, was one of the true giants of the 19th century. He was designing furniture for Windsor Castle at 15 and, by the time of his premature death at the age of 40, had through his writings and practice revolutionised architecture and design throughout the Western world.

The restoration of the Palace has been going on for many years and this further extension of the good work should be a cause for praise, not obloquy.

The ferocity of the attacks on the Lord Chancellor has however highlighted the cost of good restoration to our great buildings and the need to re-examine how those owning them can be encouraged to emulate what is being done at Westminster.

Yours faithfully,
J. H. J. LEWIS,
Chairman, The Attingham Trust for the Study of Country Houses and Collections in Britain,
27a Sloane Square, SW1W 9AB,
March 4.

From Mrs Rosemary Friedman

Sir, In using his not inconsiderable expertise to refurbish his part of the Palace of Westminster, Lord Irvine of Lairg is both preserving the past and making a contribution to the future.

Why do we in Britain so resent the presence of the "tall poppy" and delight in cutting everyone down to size?

Yours sincerely,
ROSEMARY FRIEDMAN,
2 St Katharine's Precinct, NW1 4HH,
March 4.

From Mr Charles Stewart-Smith

Sir, Wallpaper tends to last longer than governments. Of course, both will have a shorter life if they become disliked by their masters.

Yours faithfully,
CHARLES STEWART-SMITH,
37 Stockwell Park Crescent,
London SW9 0DQ,
March 4.

Windsor heritage

From Mr G. A. Christodoulou

Sir, How can the National Portrait Gallery's purchase of Brockhurst's portrait of the Duchess of Windsor, with the help of over £33,000 from the Heritage Lottery Fund, be justified (report, and photograph, February 24), when not one penny was similarly used to acquire far more important items from this country's heritage, such as the Duke of Windsor's investiture sword and Garter banner?

Preserved in one of our national museums, these would have provided a more fitting and poignant reminder of what the Duke, as Edward VIII, gave up for Mrs Simpson.

Yours faithfully,
G. A. CHRISTODOULOU,
35 The Gardens,
Baldock, Hertfordshire SG7 6AD,
March 1.

Before Big Bang

From Mr A. A. Rhodes

Sir, Professor Malcolm Chiswick asks (letter, February 28) Professor Stephen Hawking how the particle from which the Universe began got there.

Got where?
Yours sincerely,
ANTHONY A. RHODES,
4 Cairnsmore Close,
Long Eaton,
Nottingham NG10 4NU,
March 1.

Book seizure and academic freedom

From Mr John Rubinstein

Sir, The seizure by West Midlands Police of a book celebrating the work of the photographer Robert Mapplethorpe from the University of Central England's library (report, March 3) merits the widest condemnation.

Whilst certain sectors of the public may have supported the withdrawal from a publicly funded Hayward Gallery exhibition of certain Mapplethorpe photographs, including one of a female child unconsciously exposing her genitalia to the camera, there can be no justification whatsoever for the police's confiscation of the artist's work from the shelves of a university library.

There can be little doubt that Mapplethorpe was one of the 20th century's finest photographers; the subject matter of his work is no more likely to cause offence than a work of art which consists of Piero Manzoni's tinned faeces, currently on exhibition at the Serpentine Gallery (review, Arts, February 26).

Point-of-access restriction to young people likely to be distressed by such exhibits is a well accepted method of permitting freedom of artistic expression, whilst recognising the sensibility of those members of the public who find such material upsetting. And those adult members of the public who find such material distressing can vote with their feet by not attending such exhibitions.

However, there is no suggestion that the University of Central England's library is accessible by minors or persons who are likely to be corrupted or depraved as the result of seeing Mapplethorpe's photographs.

The confiscation of the book published by Random House (and the request for its destruction, if granted) constitutes an unwarranted interference with academic freedom and the freedom of expression guaranteed under Article 10 of the European Convention on Human Rights. Such interference should be resisted to the utmost.

This seizure, when contrasted to the attitude of the Metropolitan Police to certain sexually explicit and disturbing artworks at the Royal Academy's *Sensation* exhibition last year (review, Arts, September 10, 1997), illustrates the inadequacy and the inconsistency of England's obscenity laws formulated nearly 40 years ago, and suggests that those laws are due for reconsideration.

Criminal laws should not be uncertain or arbitrarily applied, more especially when culturally influential collections can, in the name of art, patronise offensive works of art whilst university students who are researching and studying art may not be accorded the same freedom.

Yours faithfully,
JOHN RUBINSTEIN
(Co-Chairman, International Bar Association, Art & Cultural Property Law Committee),
271 Regent Street, W1R 7PA,
March 3.

Heavens above

From Mr John H. M. Sims

Sir, In your obituary of Dermot Morgan today you say that, after Father Ted, he was to be seen "chatting with... Russell Harty".

Since Harty died some years before Father Ted started in 1995, I think that is unlikely. However, although I am an agnostic, for the helpless laughter to which Dermot Morgan has so often reduced me over the past two years, I very much hope that his disbelief is mistaken and that he is even now chatting happily to Russell Harty in a better world than this.

At least it would show that God can take a joke.

Yours etc,
JOHN H. M. SIMS,
Flat 2, 15 Cheyne Place,
Chelsea, SW3 4HH,
March 2.

Collision course

From Mr Andrew Palmer

Sir, I was reminded of my first — and only — flying lesson while reading Gordon Thomas's letter (February 25). Pointing at the joystick, Miles, my instructor (known as "Air" Miles), said: "That's the houses lever. Push it forward and the houses get bigger; pull it back and they get smaller."

Yours faithfully,
ANDREW PALMER,
Bulth House, Church Road,
Rotherfield, Sussex TN6 3LG.

Raw deal

From Mrs Hilary Robinson

Sir, Selling the rights of one's books to a foreign country is a time of both excitement and concern for authors. Will the translation accurately capture the tone and style?

For me such anxiety has been fuelled by my recent visit to Wengen, Switzerland, where *The Full Monty* had been tantalisingly translated as *Die Stripper von Sheffield*.

Yours faithfully,
HILARY ROBINSON
(Author, *Sarah The Spider series*),
Lumby Grange, Cass Lane,
Lumby, South Milford,
North Yorkshire LS25 5JA,
robins@aol.com
March 4.

OBITUARIES

MAJOR-GENERAL JOHN BOWRING

Major-General John Bowring, CB, OBE, MC, Engineer-in-Chief of the Army, 1965-68, and Colonel of the Queen's Gurkha Engineers, 1966-71, died on February 15 aged 85. He was born in India on February 13, 1913.

In a Sapper career of great variety, John Bowring had seen action in southern India; on the North-West Frontier; in some of the hard-fought battles of the East African campaign of 1941; and during the Malaya Emergency in the 1950s. He was also Chief Engineer in the Far East for the Borneo campaign of the early 1960s. Bowring was of a generation of officers which was steeped in the values and traditions of the British Indian Army.

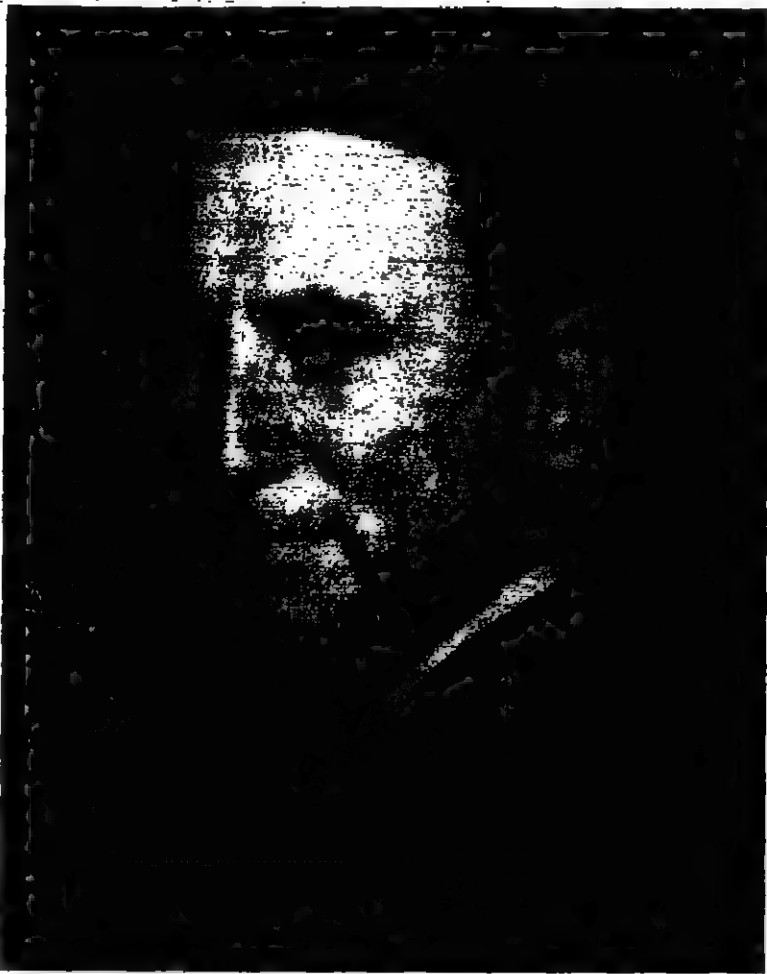
His father, Major F.S. Bowring of the 22nd Punjab, was killed in Mesopotamia in 1915, and he determined to follow him, although not as an infantryman. He joined the Royal Bombay Sappers and Miners at Kirkee, near Poona, soon after he was commissioned into the Royal Engineers in 1933.

John Humphrey Stephen Bowring read engineering at Trinity College, Cambridge; gained his private pilot's licence; and at the School of Military Engineering, Chatham, he became a qualified yacht skipper, joining the Royal Ocean Racing and Royal Engineer Yacht clubs. Later he sailed four Fastnet races — once as navigator and three times as skipper. He rode with the Beaufort Hunt until 1979.

As a field company officer in the Bombay Sappers and Miners, he saw service in the Deccan, Baluchistan and Waziristan, enjoying the wonderful opportunities for soldiering, all forms of equestrian sports, and small and big game shooting that the India of the imperial age had to offer. Operations with punitive columns against frontier tribal dissidents added to his early experience of military life.

At the outbreak of war, he sailed for the Sudan with a Bombay Sapper and Miner field company in the 5th Indian Division. He was given command of the company shortly before the hard-fought battles of Keren, during which he won his MC clearing, under shell and machine-gun fire, a way through the Italian demolitions and mines blocking the infamous Dongolass Gorge on the road to Asmara.

Subsequently, he was badly wounded in the foot and leg by a shell while forcing a way through a similar gorge leading up to the mountain fortress of Amba Alagi in which the Duke of Aosta, the Italian Viceroy of Abyssinia, was making his last stand. Bowring



was evacuated by sea to hospital at Pietermaritzburg in South Africa. It took until May 1942 for the doctors to declare him fit enough to return to staff appointments in India. The wound left him with a pronounced limp and caused him constant pain for the rest of his life.

After attending the Queen's Staff College, where his father had been a student in 1914, he joined the staff of the 15th Indian Corps on the Arakan coast in Burma. He did not return to England until 1946. By then, Indian independence was approaching and he reverted to British service.

When he was posted to the British Military Mission to Greece in 1947, he never expected to command Indian troops again. The Russian task was to help in the modernising of the Greek Army, which was still fighting the communist rebels. He often said that this was one of his happiest postings: it enabled him, with two other Sapper officers on the staff, to hone up their sailing skills among the Greek islands.

It was quite another story when, in 1949, he found himself posted to the Cabinet Office staff in Whitehall, working with MIs in great secrecy. A course at the Joint Services Staff College followed in 1951, and a year later he was back at Chatham as Chief Instructor of Gurkhas.

Promoted brevet lieutenant-colonel in 1953, he was appointed Commander Royal Engineers East Anglia, a command in which numerous Cold War building projects were in progress. His pilot's licence enabled him to cover the large area more thoroughly by air than would have been possible by road. Two years later he was sent back to his roots, not in India, but in Malaya, and not with Indian troops but in command of the newly-raised Gurkha Engineers, formed to support 17th Gurkha Division of which he was also to be CRE.

The field squadrons had been raised originally in Hong Kong as Gurkha Royal Engineers. Few people believed that Gurkhas could be made into

anything but infantry soldiers; indeed, old Gurkha hands cursed the War Office for wasting good riflemen by trying to turn them into Sappers. John Bowring proved otherwise.

Shortly after he took over, his Gurkhas lost their Royal Engineer title and became plain Gurkha Engineers. He took this as an opportunity to create a new regimental pride in building their own traditions, customs and spirit now that they were part of the Brigade of Gurkhas.

A fluent Urdu speaker, he quickly mastered Gurkha. He had the foundations of the regiment so soundly that by the time his command came to an end in 1958, it was generally acknowledged to have achieved the degree of excellence of the traditional Gurkha rifle regiments, and was rapidly approaching the field engineering skills of the Indian Sappers and Miners. Twenty years later, the Queen was to grant the regiment its own royal title as The Queen's Gurkha Engineers.

During Bowring's command, the communist terrorist gangs were far from defeated. His troops were deployed throughout Malaya supporting the rifle regiments and constructing jungle airstrips and roads. His flying skills came to the fore again, enabling him to reach many more of the remote construction sites than he would have been able to do driving along jungle tracks. For his services he was appointed OBE.

Posted back to another Intelligence appointment in Whitehall in 1958, he was never to lose touch with the regiment, of which he had become the revered founding father. In 1961 he was appointed Chief Engineer, Far East Land Forces, in Singapore at the height of the Borneo campaign, in which the regiment played a distinguished part. After another spell in Whitehall, dealing with future vehicle development, he was in 1965 appointed Engineer-in-Chief, the professional head of the Royal Engineers. In 1968, the year of his retirement, he was appointed CB. Perhaps nothing pleased him more than his appointment as Colonel of the Gurkha Engineers in 1966 in addition to being Colonel Commandant Royal Engineers.

In retirement, he became non-executive director of two engineering firms, and helped his wife to manage her small Arab bloodstock business. In 1984-85 he was High Sheriff of Wiltshire.

He married Iona Margaret Murray in 1956 when he was commanding the Gurkha Engineers, and they had two sons and two daughters. She and their four children survive him.

ATHOL ROWAN

Athol Rowan, South African cricketer, died at Somerset West, Cape Province, on February 21 aged 77. He was born in Johannesburg on February 7, 1921.



DESPITE bowling frequently in pain and briefly in a leg iron (the result of an accident in the Second World War), Athol Rowan played 15 Test matches for South Africa between 1947 and 1951, all against England. In these he took the wicket of Len Hutton, then the world's most accomplished batsman, no fewer than 11 times — more than Ray Lindwall, Keith Miller or anyone else.

Rowan was a tall, handsome, even-tempered off-spinner, and a good bold hinner of the ball, batting at number seven or eight. Educated at Jeppe High School, Johannesburg, he made his early first-class appearances for Transvaal as an 18-year-old before going off to the war and being taken prisoner at Tobruk as a private in the Scottish Transvaal regiment. Having escaped, he joined the South African Air Force, and while on an officers' training course he was hit in the leg by an exploding mortar.

The injury he suffered then meant that when South Africa's Currie Cup competition was resumed in 1946-47, he ran in to bowl with something of a shuffle, and he was not the most nimble member of the South African side that toured England in 1947. The injury also set a limit on the length of his bowling spells. Whereas South Africa's other great postwar off-spinner, Hugh Tayfield, could bowl all day, and sometimes did, Rowan's leg forbade it.

In the summer of 1947, the sun shone for weeks on end and the crowds for first-class cricket were the largest they have ever been in England.

Denise Compton and Bill Edrich broke record after record with their batting, and like all the South African bowlers, Rowan suffered at their hands. His 12 wickets in the Test series costing 55.91 runs a piece. But with 102 wickets on the tour he was, overall, his side's most successful bowler, and when, in the winter of 1948-49, England went to South Africa, Rowan's 24 wickets in the Test matches helped to make a very tight series of it.

The following year, when Australia toured South Africa under Lindsay Hassett, the nearest they came to defeat was against Transvaal shortly before the first Test match, with Rowan taking 15 wickets in the match for 68 runs on a drying pitch. His 9 for 19 in 15.4 overs in the Australians' first innings were, not surprisingly, the best figures of his career. But a cartilage operation (a further legacy of the war) kept him out of the Test matches, and the only other Test cricket he played was back in England with Dudley Nourse's side in 1951, when his five for 68 in England's second innings of the first Test match helped South Africa to their first Test victory for 10 years.

In a season notable for the success of off-spin experts

and leg traps, Athol Rowan was a constant menace wherever he went," said Wisden. He was the bowler during the last Test match at the Oval, when Hutton became the only batsman ever to have been given out in Test cricket for obstructing the field. Hutton swept at Rowan and the ball lobbed off the edge of the bat and his forearm, still in the area of the crease. As Russell Endean moved in from short leg to make a simple catch, he was prevented from doing so when Hutton swatted at the ball, thinking it might otherwise fall onto his wicket. By a strange coincidence, at Cape Town three years later, Endean was to become the first batsman ever to be given out Handled Ball in Test cricket.

Rowan had a fine, high bowling action, an awkward bounce and excellent control. He held the index finger of his bowling hand not diagonally across the seam, as is conventional for the off-spinner, but straight down the seam, which helped his little outswinger apparently without reducing his powers of spin. In his autobiography, Len Hutton said it was a close thing whether Rowan or Jim Laker was the best off-spinner he had ever played with or against. He plumped for Laker only because he had found him slightly the more difficult to play on turning pitches.

Athol Rowan had in Eric (E. A. B. Rowan) an older brother who played 26 times as an opening batsman for South Africa and was as famously pugacious as Athol was engagingly easygoing. Ten times they played in the same Test side. Having limped into retirement when still only 30, with 54 Test wickets to his name at 38.29 a piece, Athol Rowan was virtually lost to the game. He later worked in mine safety equipment, and settled in Hermanus in Cape Province.

GROUP CAPTAIN N. de W. BOULT

Group Captain N. de W. Boulton, DFC, AFC, former Chief Instructor, Central Flying School, died on February 5 aged 84. He was born on April 6, 1913.



ONE of the RAF's most outstanding pilots and flying instructors, "Ben" Boulton was appointed the first Chief Instructor at the Central Flying School, Little Rissington, in 1947, the top instructor's post in the Service.

He had wide experience of training pilots, both at home and on the African continent. In addition to his Air Force Cross which acknowledged his work on numerous new types of aircraft entering RAF service, he also held the Royal Hellenic Air Force Cross.

Norman de Warrenne Boulton was born in Dublin of Anglo-Irish parents. In the West of Ireland he learnt to sail and race dinghies, a passion he indulged at various postings in his service career. At Rossall School he was an outstanding gymnast and diver. When he joined the RAF in 1933 he brought his sharp sense of balance and timing to the art of flying, in which he was assessed as "exceptional". He also qualified as a physical training instructor, and one of his favourite tricks on dining nights was to walk along the top of the mess bar on his hands, no matter how much alcohol he had consumed.

His flying training was in Egypt, where, in 1936, he survived a crash in which six out of 11 occupants of the aircraft (of which he was not the pilot) were killed. His face, which had been badly damaged, was rebuilt with plastic surgery, but for some time afterwards he had to wear a beard, something not normally allowed in the RAF.

The start of the Second World War saw him at the Central Flying School, then at RAF Upavon, test flying

many of the new aircraft then entering service. Like most non-operational pilots he clamoured to be posted to a squadron to see action. However, he was sent instead to Rhodesia as a flying instructor where, later in 1941, he formed and commanded the Rhodesian Central Flying School, for which he was awarded the AFC.

During this period in Africa he was also awarded the Royal Hellenic Air Force Cross for training Greek student pilots. Returning to England in 1944, he was arrested on Paddington station by an alert military policeman who, understandably not recognising the stripes of the RHAF's ribbon, thought that he was an escaped German officer masquerading as an RAF officer with incorrect medal ribbons. Boulton was unable to supply the name of his unit since he was then on his way to the Air Ministry to discover his new posting. All was resolved in due course.

Appointed to a Mosquito Pathfinder course, Boulton was disappointed to be taken off it to take command of 180 Squadron which flew the Mitchell medium bomber and was at that time in a demoralised state. He rebuilt the squadron and brought it

back into action. But he was badly wounded, losing the sight of an eye during an attack on German tank concentrations, north of Caen. For completing the sortie successfully and bringing his severely damaged aircraft back to a belly landing in England, he was awarded an immediate DFC.

After leaving hospital he served on the staff of the Second Tactical Air Force in Belgium and Germany, but subsequently taught himself to fly again, by both day and night, and was, in 1947, appointed Chief Instructor at the Central Flying School. Among subsequent commands was one at RAF Wellesbourne, Mounford, Warwickshire, where he was appointed in 1951 to open an advanced flying school during the expansion of the service at the time of the Korean War.

In 1954 he was appointed Senior Air Staff Officer, Iraq Command, which later became Levant Command, and moved to Cyprus. During the Cyprus emergency he had responsibility for supervising the exile of Archbishop Makarios. He later commanded the Fighter Command Air Armament Training School at RAF Acklington, in Northumberland. This was his penultimate appointment; he retired in 1960.

From 1960 to 1968 he was employed through the Crown Agents in Sierra Leone, where he was largely responsible for organising the independence celebrations in 1961, and the Turks and Caicos Islands. After his return to England in 1968 he became regional organiser for the British Heart Foundation in Devon and Cornwall until his final retirement in 1978, after which he and his wife settled in North Yorkshire.

His wife Peggy died in 1956 but he is survived by his son and two daughters.

JAMES McDONOUGH

James McDonough, CBE, former British Council Representative in Germany, died on February 18 aged 85. He was born on July 26, 1912.

WHEN James McDonough joined the British Council in 1946, it was about to begin one of those periods of existential uncertainty that became characteristic. But McDonough survived both doubts and cuts, and went on to occupy senior positions.

Uncertain though life in the British Council was, it was full of satisfaction for those who coloured their idealism with a sense of fun. In his first post he lectured on English history at the universities of Innsbruck and Graz, spending six months of the year at each. This would not have appealed

to every wife, but Moll McDonough enjoyed the itinerant existence as much as her husband.

James McDonough was educated at the Royal Grammar School, Worcester, and St Edmund Hall, Oxford, and taught at Attercliffe from 1935 to 1940. During the war he served in the Duke of Wellington's Regiment and became an instructor in tanks. He ended up with the rank of major in India.

Much of his British Council career was spent in German-speaking countries; but after Vienna, where he served as assistant representative, 1950-54, he went as representative to Malta. In four years there he became a well-known cultural figure, finding no escape from eager questioners, even on the beach.



But Germany beckoned. The British Embassy and Consulates-General, which had taken over cultural work from the Control Commission, handed it on to the British

Council in 1959. It was recognised that cultural representation should no longer be linked with politics, and that the British Council should operate under an agreed cultural convention.

As the agent of transition, McDonough was posted to the Bonn Embassy in 1958, and then served in the British Council's German headquarters in Cologne until 1961. Largely through his efforts, the handover went smoothly, with the council inheriting the goodwill that had been established in the postwar British Zone.

After spending 1961 to 1965 in London as director of the council's specialist tours department, McDonough returned as representative to Germany in 1966, where he was to stay until his first retirement in 1973. It was one of the council's senior foreign postings. German prosperity and a comfortable sense of West European identity inclined many of the country's leading figures to look with interest at Britain, and McDonough seized the opportunity to develop the council's work in many fields: the arts, libraries, language teaching and literature, educational exchange at all levels, science, and that vital personal contact that opens doors through which the unexpected may announce itself.

Having been appointed OBE in 1965, he was advanced to CBE in 1970. His retirement did not last long. The British Council took him back at a lower grade to head its North Europe Department for a couple of years. His second retirement was then followed by some educational assignments in the private sector, which took him further afield than his European-based British Council career.

James McDonough was a largely unassuming patriot. He was no chauvinist, but he believed that British achievement could bring benefits to other countries. His Irish ancestry was evident not only in his name but in his appearance and charm. As a Roman Catholic he combined a profound awareness of a religious dimension to life with unquenchable good humour.

He married Mary Ethne Ursula Mitchell (much better known as Moll) in 1944. She survives him, together with their three sons and two daughters.

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BUSINESS EDITOR Patience Wheatcroft

THURSDAY MARCH 5 1998

Revenue targets pension funds

Taxman hunts massive gains from buybacks

By RICHARD MILES

THE Inland Revenue is seeking to recover hundreds of millions of pounds in tax credits paid out to pension funds before a tax avoidance loophole on share buybacks and special dividends was closed in 1996.

Officials from the Revenue's compliance department have asked pension funds to provide details of any holdings related to "windfall" gains in connection with buybacks and special dividends between September 1, 1994 and October 8, 1996.

If pension fund managers are found to have invested undue amounts of money in companies engaged in a buyback or special dividend, then they may be forced to repay any tax credits. Pension funds are effectively barred from managing their investment portfolios in this way.

Although a Revenue spokesman said last night that there was "no special initiative" to recover tax credits in this field, it is understood that officials from the compliance division have stepped up their efforts to retrieve the money over the past few weeks. Several pension fund managers are believed to be disputing the Revenue's findings.

The National Association of Pension Funds (NAPF) has written to its members recommending that they seek specialist professional advice because of the complexity of the issue. It further advises

that they co-operate fully with the tax authorities.

One pension fund manager confirmed yesterday that the officials were seeking to retrieve tax credits where they thought pension funds had broken the rules. He said: "The Revenue are posing about. It is difficult to say how much money is involved. It is certainly tens of millions, if not hundreds."

Kenneth Clarke, then Chairman of the Exchange, closed the tax avoidance loophole in October 1996, largely at the behest of the pension fund industry amid reports of widespread avoidance. Until then,

as gross investors, pension funds could claim a tax credit in the event of a share buyback or special dividend.

This was because the Revenue regarded an element of the repurchase or dividend as a distribution of income, rather than capital. As distributions are subject to tax, pension funds and other exempt investors were permitted to claim a tax credit to avoid double taxation.

However, the Revenue now suspects that some pension funds deliberately targeted companies offering special dividends or buybacks, and has deemed this as actively dealing in securities. Pension

funds cannot actively trade in securities and maintain their tax exemption.

In its note to members, the NAPF says: "There may be circumstances in which a pension fund would wish to offer additional information. If, for instance, a general restructuring of portfolios had occurred coincidentally with a number of buybacks, a fund might reasonably expect the Compliance Division to view security transactions in the light of the restructuring."

The issue may ultimately have to be settled in the courts if a sufficient number of pension funds disagree with the Revenue's findings. The pensions industry is already locked in battle with the authorities over the issue of underwriting. Again it is argued that fund managers are effectively carrying out active dealing in securities.

One observer said last night: "The Inland Revenue is very jealous of the exemptions that pension funds have. The problem is that the onus is always upon the pension fund manager to prove it hasn't been trading."

Share buybacks and other capital restructurings are expected to total £10 billion this year, according to an analysis by NatWest Markets. This week Halifax announced a £1 billion share buyback. More companies are likely to follow after April 1999 when advance corporation tax is abolished.

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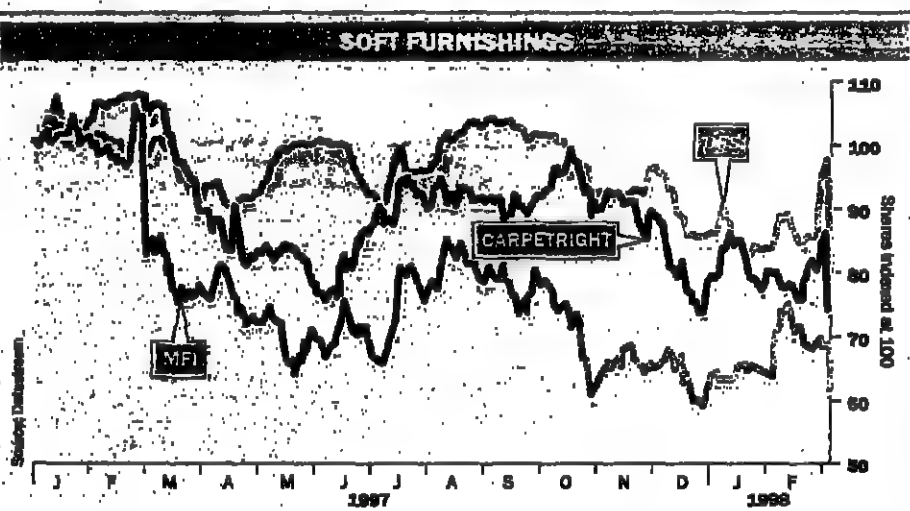
Lord Harris of Peckham, head of CarpetRight, which described trading as "tough"



Derek Hunt, of MFI: an eight-year low



Sir Graham Kirkham, of DFS: down 21%



Gloomy days are back on the high street

By FRASER NELSON

MORE than £1.3 billion was wiped from the value of the retail sector yesterday after MFI, DFS and Carpetright issued profits warnings on the back of abysmal February sales. The three companies said the January boom, in which sales of household goods grew 12 per cent, had evaporated, with little hope of a recovery by summer.

City analysts expect MFI and DFS to report a fall in profits this year, the first since either company joined the stock market. The decline undermines the argument for a further rise in interest rates.

Shares of MFI, where Derek Hunt is executive chairman, tumbled 23 per cent to 98p, their lowest level for eight years. The company said that overall sales had advanced only 2 per cent in the last four months. Analysts reduced profit forecasts to £60 million, from £85 million.

DFS, the furniture company where Sir Graham Kirkham is executive chairman, again blamed the "Diane effect" for poor first-half trade. He said DFS had not been able to make up lost ground. Shares fell 21 per cent to 463p. Carpetright, led by Lord Harris of Peckham, chairman and chief executive, said it was still gaining market share, although it described trading conditions as "tough". Profit forecasts fell £3 million to £37 million. Its shares dropped from 496p to 422p.

One analyst said: "We expected a slowdown, but we did not expect it to happen overnight." John Richards, analyst at NatWest, said: "It's been a bad furniture day."

Commentary, page 29

BUSINESS TODAY

FTSE 100	5733.1	(-74.8)
Yield	2.85%	
FTSE All share	2678.55	(-27.42)
Nikkei	17065.60	(-72.73)
New York	8513.53	(-71.00)
Dow Jones	288.21	(-28.15)
S&P Composite	1045.26	(-6.78)

100% Govt	87.4%	(5.74)
Long Bond	101.5%	(100%)
Yield	6.04%	(8.07%)

LOAN MARKET

3-month interbank	7 1/8%	(7.74)
Life long gilt	106%	(106%)

STOCKS

New York	1.8470	(1.8510)
London	1.8471	(1.8527)
DM	2.3857	(2.3855)
¥	10.0425	(10.0280)
¥/£	2.4382	(2.4250)
¥/\$	152.73	(152.17)
£/¥	105.4	(105.3)

COMMODITIES

London	1.8168	(1.8104)
FF	6.0850	(6.0673)
SP	1.4778	(1.4687)
SP	152.73	(152.17)
£/¥	105.4	(105.3)

FOREIGN EXCHANGE

Brent 15-day (May)	\$14.40	(\$14.30)
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COMMODITIES

London close	\$398.55	(\$397.05)
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* denotes midday trading price

Legislation

The City breathed a sigh of relief after Margaret Beckett removed the immediate threat of corporate governance legislation. She wants to persevere with self-regulation. Page 25

Buyback

Associated British Ports is to return £100 million to investors this year through a share buyback. The money will come from selling surplus properties. Page 32, *Tempos* 30

Chandler fears German control of armoured output

By ADAM JONES

SIR Colin Chandler, chairman of Vickers, exposed the tensions underlying the shake-up of the European defence industry yesterday when he said he feared Germany wants to dominate the manufacture of armoured vehicles.

Sir Colin said he was dissatisfied with the way the bidding process for a multibillion pound defence order has been handled. Vickers is part of an alliance bidding to supply multibillion armoured vehicles (MRVs) to the armies of Britain, Germany, France and the Netherlands.

A rival grouping led by Germany's Krauss Maffei, with GKN, the British group, as a junior partner, has been seen as the front-runner. Vickers feels a decision is being rushed through under pressure from Germany.

The Vickers alliance includes two German companies, but the Krauss Maffei grouping is seen as the German contender.

Sir Colin said: "I fear the Germans are getting this early decision to try to dominate the land systems industry in Europe. They can see British Aerospace dominating the air." A decision is expected soon.

Vickers, which may sell its Rolls-Royce Motors subsidiary to BMW, of Germany, said yesterday that pre-tax profit fell from £83.3 million to £19.4 million in 1997 after a £57.1 million exceptional charge and the £2.4 million cost of defending a potential bid from Mayflower last year. The total dividend is held at 7.2p, with a final 4.5p.

Operating profits at Rolls-Royce fell £1.4 million to £24 million as buyers waited for the new Silver Seraph model to be launched. A decision on how much capital to return to shareholders will be announced once the money from the Rolls-Royce sale is received.

Tempos, page 30

Railtrack to take LCR stake

RAILTRACK is close to taking a stake in London & Continental Railways, operator of the troubled Channel Tunnel rail link, as it and Bechtel, the link's project manager, take the lead in rescue talks with the Government (Christine Buckley and Arthur Leathley write).

The injection of cash from Railtrack would be confined to the rail link from the tunnel and Railtrack would not have any involvement in the Eurostar rail service. The network operator is banned by its licence from rail service operations.

The move would prompt the departure of Sir Derek Hornby, LCR chairman, and Adam Mills, its chief executive, widely criticised for their handling of the project.

A pivotal role in the future of LCR is that of Sir Alistair Morton, who headed the Eurotunnel project. It is believed that he is highly critical of LCR's forecasts for Eurostar. Bechtel has an 18 per cent interest in LCR.

Commentary, page 29

Pat Dyas ready to sell up for family fortune

By FRASER NELSON

PAT DYAS, an 81-year-old director of Robert Dyas, stands to share in a £20 million fortune by placing his family-owned hardware chain on the auction block.

Mr Dyas, whose grandfather founded the company in 1872, is hoping to sell to one of its larger rivals after the company's head office and central warehouse was ruined by fire in December.

The company, which runs 67 kitchenware stores across southeast England, said a takeover would allow it to pocket the insurance money from the warehouse and allow its stores to be stocked from its new owners' facilities. The company has received £25 million from its insurers as an interim payment.

Tony Hoskings, the managing director, said that the company is in an ideal position for sale because it can pocket the insurance money. He said: "Robert Dyas is a

third-generation family company. Shareholdings get diluted over the years, so we have been considering a sale for a number of years. We have been lucky in that the fire has removed a large element of overhead, which can be eliminated through a takeover."

Mr Hoskings, 42, heads the non-family management which Mr Dyas recruited in the 1980s. Its six directors currently enjoy an average salary of £112,000 a year.

Dyas has delivered double-digit sales and profit growth over the past four years. The most recent results show sales up 14 per cent to £39.7 million and profits jumping 93 per cent to £1.55 million. However, the fire has forced the company to route its stock directly from suppliers, which has been expensive and is likely to depress profits this year.

The company is majority owned by the Dyas family and some of its former directors.

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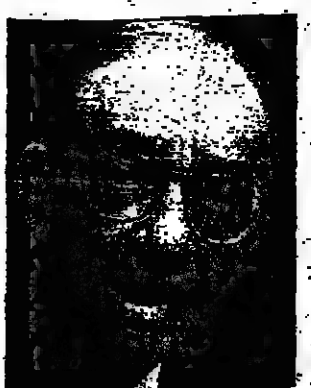
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Markets shaken by rate rise worries

By JANET BUSH
ECONOMICS EDITOR



Greenspan: even-handed

SHARES in London and on Wall Street fell sharply yesterday on fears that strong economic growth may have to be dampened by interest rate rises. In London, the FTSE 100 index closed 74.6 points lower at 5,733.1, partly because of fears that the Monetary Policy Committee may vote to raise base rates by a quarter-point today.

Nerves were heightened by a report on service sector activity from The Chartered Institute of Purchasing & Supply, which said that growth had accelerated for the third month, remaining with business activity at its highest for seven months.

The MPC has to balance the pressure on manufacturing from the strength of the pound and robust growth in the domestic economy despite successive interest rate rises since last May. Most economists do not expect a rate increase today but there is enormous uncertainty.

In America, bonds and stocks suffered a loss of nerve after a record breaking run on Wall Street. Some analysts cited testimony before the House Budget Committee by Alan Greenspan, Chairman of the US Federal Reserve, although his remarks appeared to be as even-handed as other comments in recent days. Mr Greenspan said American demand was "really quite strong", raising fears in the bond market of

higher interest rates. He also said: "Contrary to historical experience, instead of imbalances arising, the economy has become increasingly benign."

The bond market and Wall Street appeared to highlight negatives in Mr Greenspan's remarks because of unease about recent rallies. In midday trading, the Dow Jones industrial average was 67.76 points lower at 8,517.07.

The Halifax house price index, published today, shows prices were static in February after rising 0.5 per cent in January. In February, houses were 5.1 per cent more expensive than a year earlier.

Markets, page 30

Hays

Excellent growth. Encouraging prospects.

Results for the six months to 31 December 1997

The half year has seen strong growth, with an increase in Group profit before tax and exceptional items of 29% to £92.2 million. Each of the three core activities performed well and increased its profits substantially.

In line with the Board's policy of providing shareholders with consistent dividend growth, the interim dividend is being increased by 15% to 3.45p, and will be paid on 29 May 1998 to shareholders on the register on 1 May 1998.

Major Developments

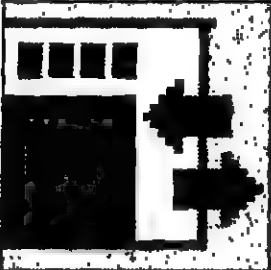
A number of significant strategic acquisitions have been made - most notably, to strengthen our position in Logistics in Continental Europe, and to expand our range of office support services into two fast-growing markets for outsourcing.

Important acquisitions included the European logistics businesses of Mayne Nickless - FDS in France and Van der Heijden in Holland. In Commercial, the purchase of Paperstream and Data Entry International marked a further substantial addition to the range of business process services available from Hays.

Prospects

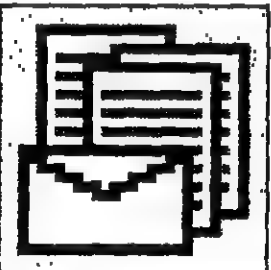
The growth in outsourcing and the strengthening Continental economies provide an encouraging climate for further expansion. We continue to pursue policies designed to produce significantly above average annual increases in earnings per share while maintaining Hays' quality of earnings.

DISTRIBUTION



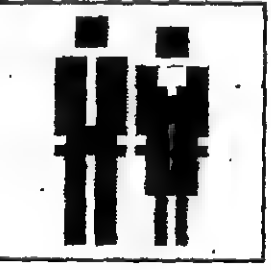
Sales up 41% to £388.4m.
Operating profit up 23% to £36.3m.

COMMERCIAL



Sales up 18% to £122.1m.
Operating profit up 21% to £28.7m.

PERSONNEL



Sales up 37% to £224.4m.
Operating profit up 41% to £32.1m.

FINANCIAL HIGHLIGHTS

(Unaudited) FOR THE 6 MONTHS ENDED 31 DECEMBER 1997

	1996	1997	%Change
Profit before tax*	£71.7m	£92.2m	+29
Earnings per ordinary share*	12.1p	15.4p	+27
Interim dividend per share	3.0p	3.45p	+15

* Before exceptional items.

For your copy of the interim statement for 1997, please write to David Beddley, Hays plc, Hays House, Millmead, Guildford, Surrey GU2 5HJ. The advertisement has been approved by Deloitte & Touche, who are authorised to carry on investment business by the Institute of Chartered Accountants in England and Wales.

Hays

THE BUSINESS SERVICES GROUP

Beckett rejects calls for new corporate governance laws

By ALASDAIR MURRAY

BUSINESS and the City breathed a sigh of relief yesterday after Margaret Beckett removed the immediate threat of new corporate governance legislation, insisting she wants to persevere with a system of self-regulation.

The President of the Board of Trade, however, warned companies and institutional investors they must comply with the "spirit" of existing corporate governance codes quickly, to avoid government action in the future.

Mrs Beckett, who was

speaking at the Pensions Investment Research Consultants' (Pirc) annual conference, also unveiled plans for a three-year review of company law - including an investigation into whether a broader definition of directors' duties could be enshrined in law.

"I would prefer to see many of the recommendations embedded in good practice rather than enshrined in legislation," Mrs Beckett told the conference. She added that she wanted to see a "step change" in the voting record of institutional investors and hoped that companies would soon

fulfil a key Greenbury recommendation and put the annual remuneration committee report to the vote at annual general meetings.

Mrs Beckett's comments received a warm welcome from all sides in the corporate governance debate. Graham Allen, chairman of the National Association of Pension Funds' investment committee, described the DTI's approach as a "pragmatic response", adding the NAFF supported the need to secure "the regular exercise of proxy votes".

The Confederation of British Industry said it was

pleased with Mrs Beckett's emphasis on effective self-regulation and looked forward to making a full contribution to the DTI's review. The company law review will be led by a steering committee including representatives from the legal profession and business. It will be headed by Richard Rogers, director of Company Law and Investigations in the DTI. A second steering committee will also be established to ensure business, the City and employees have active representation in the debate. Anne Simpson, managing

director of Pirc, which campaigns for corporate governance reform, said: "We are pleased the table has been set with the Government sitting at the top, but hope the committee members are prepared not to flinch from the tough issues."

The review will consider whether the law on directors' duties should be amended to take into account a range of stakeholder interests. However, a substantial part will concentrate on dealing with technical reforms in the body of law, much of which dates from the mid-19th century.

EU clears Swiss bank merger

The European Commission has cleared the proposed merger between Swiss banks UBS and SBC giving the go-ahead to what will become Europe's largest banking institution. The decision was taken after a preliminary one-month investigation into whether a full-scale review would be needed.

The Commission said the deal did not have any competition implications even though it created Europe's largest bank. It added that the product markets affected were merger and acquisition advice, equity underwriting and equity trading. The SBC-UBS deal is still being looked at by Swiss anti-trust authorities and the Federal Reserve Bank and Fair Trade Commission in America.

Earlier yesterday the Commission announced a full inquiry into the merger between WorldCom and MCI, the two American telecommunications giants. The two filed for EU approval on the same day as the Swiss banks.

LIG charge

London International Group, the UK condom and rubber products manufacturer, will take a £12 million charge on the sale of Cook Bates, a US subsidiary that manufactures manure implements. The subsidiary has been sold to Pacer Technology, the US consumer, industrial and automotive products company, for £3 million. The exceptional charge includes £8.6 million of goodwill previously written off with the balance made up of a provision for redundancies. The cash element of the total charge is not expected to exceed £1.4 million.

Liquidations

THE investment trust industry faced further contractions yesterday after two poor-performing trusts opted to go into liquidation: Henderson Greenfriar Investment Trust and The Emerging Markets Country Investment Trust, run by City of London Investment Management, have both suffered from market downturns in the Far East and in smaller companies.

Court allows Lloyd's to claim £130m from names

By JON ASHWORTH

LOYD'S of London is to press ahead with the collection of £130 million in outstanding debts from defunct members, after a High Court judge ruled that Lloyd's centrally held records are conclusive proof of the amounts owed.

Mr Justice Tuckey ruled that there were no manifest errors in the records, clearing the way for Lloyd's to obtain Order 14 judgments against 570 members - or names - who declined to participate in the Lloyd's settlement.

Names will be sent a comprehensive finality account that will show their overall indebtedness to various parties including Equitas, the company formed to reinsure 1992 and prior-year losses at Lloyd's. Mr Justice Tuckey ruled last month that names were liable, and that the Lloyd's records could be relied upon - assuming they were deemed error-free. The records have now passed the test.

Names had mounted a class action in the hope of thwarting Lloyd's in its attempts to recover outstanding debts.

Susan Dingwall, head of the insurance group at DIBB Lupton Alsop, which is leading the debt recoveries for Lloyd's, said yesterday's judgment "greatly strengthened" the debt collection exercise. A further hearing will be held on March 11.



Into Africa: Lonrho Africa's Keith Atkinson, left, Mark Newman, centre, and Chris Parvin at yesterday's launch.

Shaky start for Lonrho Africa

By CARL MORTIMER, INTERNATIONAL BUSINESS EDITOR

AFRICAN politics, El Nino and tiny Rowland threatened to upstage the launch of Lonrho Africa yesterday.

The trading arm of the Lonrho group is to be spun off in May after a share consolidation and £48 million capital injection. However, the African vehicle is already being buffeted by hot air arriving from the Pacific and cold comments from the Lonrho group's former chairman.

Mark Newman, Lonrho Africa's chief executive, said that floods in Kenya and Uganda would hurt the group's distribution and agribusiness profits in the current year. A coup in Zambia and political turmoil in Kenya have not helped either.

However, the Lonrho Africa team, which is soon to welcome Bernard Asher, former HSBC chairman, as non-executive chairman, remains confident that investors will appreciate

that Lonrho is "unique". Mr Newman said: "There are some people who are not going to touch us with a barge pole but if you want Africa in your portfolio, there are few better opportunities."

Lonrho's core businesses are in 14 African countries and include Toyota distributorships, hotels, a trading business in Nigeria, cotton ginning and property. Mr Newman said the group had

net assets of £222 million. A spokesman for Mr Rowland poured scorn on the company's current management, claiming that they had brought no new business opportunities to Lonrho Africa and pointed to the continuing uncertainty over Anglo-American's stake in the company.

He indicated that Mr Rowland might increase his 4 per cent interest in Lonrho Africa "at the right price".

Texas raises stake in Energy Group

By CHRISTINE BUCKLEY, INDUSTRIAL CORRESPONDENT

TEXAS UTILITIES, the US group leading the bid battle for The Energy Group, yesterday bought more shares in the market, lifting its shareholding to just below the maximum it is allowed under US legislation.

Texas raised its stake to 14.88 per cent as the market awaited further developments in the extraordinary fight between Texas and PacificCorp, the Oregon-based utility, for the Anglo-US electricity and coal business. Under anti-trust legislation Texas is allowed to buy 15 per cent. The company received special clearance to buy up to that amount, while PacificCorp, which has full regulatory approval for its bid for Energy, is allowed to buy up to 30

per cent under anti-trust guidelines. PacificCorp, whose two recent bids for Energy have been topped by Texas, remained silent on its next move yesterday. It is thought that the company is in talks with its bankers to see if it can and should better Texas's £4.45 billion offer.

Energy, meanwhile, is still not moving on a recommendation for the latest bid. It is believed that the group thinks it can wait as neither of the companies has declared their bids to be full and final.

Yesterday Stephen Littlechild, the electricity regulator, opened a consultation on Texas's planned takeover which will go to Margaret Beckett, President of the Board of Trade.

FSA extends ban on Waverley unit trusts

By GAVIN LUMSDEN

THE Financial Services Authority, the new City watchdog, flexed its muscles yesterday by extending indefinitely the suspension of five unit trusts run by Waverley Unit Trust Management.

Clydesdale Bank, the trustee, suspended dealings in the funds on February 5 amid concerns of inadequate compliance and the uncertainty over the fund manager's future.

Yesterday the FSA said the suspension should continue until Clydesdale had finished

its attempts to find a solution in the best interests of investors. Some 2,300 investors hold £6.9 million in the company's Australasian Gold, Global Bond, Japan Smaller Companies, Pacific Basin and Penny Share funds.

Charfield Fund Managers, Waverley's parent company, has hit financial difficulties in the past year. Insurance companies have pulled £8 million from broker funds managed by Charfield and the company has been forced to close four out of five offices.

TOURIST RATES

	Bank	Bank	Bank	Bank
Australia S	8.25	8.25	8.25	8.25
Austria S	22.05	22.05	22.05	22.05
Belgium Fr	64.94	64.94	64.94	64.94
Canada S	2.071	2.071	2.071	2.071
Cyprus Cyp	0.919	0.919	0.919	0.919
Denmark Kr	12.00	12.00	12.00	12.00
Finland Mk	6.94	6.94	6.94	6.94
France Fr	10.51	10.51	10.51	10.51
Germany Dm	3.16	3.16	3.16	3.16
Greece Dr	482	482	482	482
Hong Kong S	12.50	12.50	12.50	12.50
Iceland Is	120	120	120	120
Ireland P	1.29	1.29	1.29	1.29
Israel Sh	6.29	6.29	6.29	6.29
Italy Lit	2.065	2.065	2.065	2.065
Japan Yen	222.05	222.05	222.05	222.05

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Talking shops do a roaring trade



COMMENTARY
by our City Editor

The President of the Board of Trade seems set on diverting businessmen from the task of making profits to occupy them in a series of talking shops. Yesterday Margaret Beckett unveiled two new ones, a steering group and a consultative committee which will oversee the latest review into company law.

Their establishment will be welcomed by those who feared that she might actually be planning some real action in the areas of corporate governance. The leisurely time scale of the exercise means that we will be well into the new millennium before the Parliamentary draughtsman might be called upon to wield his quill in this direction. Whether they be committees or task forces or working parties, these Government-backed gatherings represent a way of delaying difficult decisions while appearing to be doing something. Labour loves them: ask a Minister the time of day and he will have appointed a team of worthies to investigate before you can say quango.

The danger is that serious business people will not have the time to devote to committees which might, eventually, have some impact. Company law does need bringing up to date, although that does not mean enshrining every latest corporate governance fad into the statute books. But Mrs Beckett's plans will have representatives of business on the steering group and on the consultative committee, with some lucky people featuring on both.

If industry feels relief at the lack of the instant legislation, that could turn to horror if the talking shops are left to those with the time to attend. For buried in Mrs Beckett's comments yesterday were some indications that her ardent espousal of the cause of competitiveness has not entirely deflected her from ideas about increasing the burden of responsibility on business.

The possibility she raises, that the Companies Act should incorporate a wide definition of the duties of directors, is one that should have companies paying immediate attention. Imagine that those duties should extend beyond the interests of shareholders to take account of "employees, creditors, customers, the environment and the wider community". Perhaps she is only teasing, but that was one of the thoughts she floated.

The concept of stakeholders, so much talked about before the election, has not been entirely forgotten even if, in the effort to appear friendly to business, it has been little heard of late. Some companies are already trying to come up with a blue-

print for the stakeholder age. Another talking shop, given a verbal nod of approval by Mrs Beckett yesterday, is trying to define a "New Vision for Business". Apparently set up as the result of conversations between Anita Roddick and Tony Blair, this now has eight companies on board. Body Shop is joined by BP, BT, Diageo, NatWest, Unipart and Tesco. The others will have to shout loudly to overrule Ms Roddick.

Furnishing a poor excuse

That Sir Graham Kirkham is still resorting to blaming the Diana effect for disappointing figures at DFS shows a lack of imagination equal to his advising. The sad death of a princess may have discouraged people from shopping over a couple of weekends but decision to purchase a new three-piece

suite would only be deferred, not abandoned, in those circumstances.

The more likely explanation for Sir Graham's fall-off in sales is that customers decided to go elsewhere. His furniture business has been built on one idea, the offer of interest free credit, and all the evidence is that this is now losing its appeal. The chance to sit in comfort, if not always the best of style, while delaying the pain of payment has fuelled the phenomenal growth of DFS. The indications are that increasingly price-conscious consumers are now doing the sums and being wooed instead by the discounts on offer elsewhere. Uno, for instance, has not been experiencing the downturn that has hit DFS and the Government's retail sales figures have indicated that furniture sales overall have been relatively buoyant in recent months.

Sir Graham and his family had the foresight to spread their

investments out of DFS some months ago, so may not be quite as perturbed by the downturn in the share price as other shareholders. The timing of share sales was geared to his passion for buying pictures but there would have been a little less to hang on the wall if he had not timed his exit so well. But Kirkham retains a substantial stake in DFS and will need to find a new idea or two if he is to regain sales growth.

Although the retail gloom was widespread yesterday, the difficulties at DFS and MFI have different roots. The latter has perfected an ability to disappoint even when expectations are low. The comments from its directors convey a sense of hopeless bemusement over the failure of customers to respond to its offer.

Given the strength of the housing market, it is difficult to swallow the companies' line that people have not been moving house and splashing out on kitchens and bathrooms. While MFI

has improved its products, it has failed to improve its image. When Lord Irvine of Lairg sneered at the prospect of buying wallpaper from DIY shops, neither would he have been found buying furniture at MFI.

If the Europeans have not woken up to this snobbery yet, there may yet be hope for the company.

Morton and the missing link

Sir Alastair Morton has assumed a pivotal role in determining the future of the Channel Tunnel Rail Link. That does not augur well for London & Continental Railways, the organisation that should be ensuring that time-strapped travellers to Paris and Brussels do not have to begin their journey with a chug through Kent which would have embarrassed Thomas the Tank Engine.

Sir Alastair is not one to bear a grudge any less than the next man and his memories of dealing with LCR are not fond. In the days when he was building to save the Channel Tunnel project from collapse, he did not always feel best served by LCR and its

over-enthusiastic projections for the Eurostar service it operates through the Tunnel.

So it is not surprising that, now he is a government adviser with the ear of Deputy Prime Minister John Prescott, Sir Alastair is not advocating a sympathetic approach to LCR and its financial embarrassments.

In fact, given the comments he has made on LCR management, it is highly likely that he has suggested that Mr Prescott should splash out on one way tickets to outer Mongolia for both LCR chairman Sir Derek Hornby and chief executive Adam Mills.

But Sir Alastair can do business with the chaps at Railtrack, led by his equal in pugnaciousness, Sir Bob Horton, and he appears convinced that together they can make the fast link work, without the extra lashings of public money LCR begged.

Shifting sand

IN an EMU-bashing speech last night, Lord Young of Graffham confessed that, in his days as DTI Minister, he had regularly ruined the breakfasts of the business community with his efforts to rally support for the single market. But his message in the City Lecture to The Marketers was that a single currency could spell the end of the single market. The EMU-sceptics are becoming so loud the ostriches may hear them.

Glaxo deal gives shot in arm to PowderJect

By PAUL DURMAN

THE stock market value of PowderJect Pharmaceuticals leapt by a third yesterday after it announced a wide-ranging deal with Glaxo Wellcome to develop a new generation of vaccines based on firing DNA into human cells.

Paul Drayson, PowderJect's chairman and chief executive, said the development, licence and option agreement, which covers 11 vaccines, was potentially worth more than \$300 million (\$182 million) to the company, even before any account is taken of royalties on future sales. He claimed this was potentially Europe's largest pharmaceutical research and development collaboration.

PowderJect's shares jumped from 314p to 418p, valuing the company at nearly £250 million and Dr Drayson's 23 per cent stake at about £57 million. Oxford University, whose research gave rise to PowderJect's expertise in administering drugs without injections, saw the value of its holding increase to £12.8 million.

Glaxo Wellcome believes genetic vaccines may prove cheaper and safer than existing products. Dr Drayson said delivering DNA directly into skin cells could reduce the amount of vaccine required to one thousandth of that needed if given by injection.

The PowderJect device uses microscopic gold particles, accelerated to 1,400 mph, to carry DNA into cells. The lead product, a hepatitis B vaccine, has successfully completed a phase 1 safety study in the US.

Glaxo Wellcome has acquired the rights to a prophylactic version of this vaccine, along with options over a therapeutic version. It is paying initial licence and option fees of £2.4 million, and investing £12.1 million to buy a 17 per cent stake in PowderJect at 246p a share.

Cadbury buoyed by sales in US soft drinks war

By CARL MORTIMER, INTERNATIONAL BUSINESS EDITOR

JOHN SUNDERLAND, chief executive of Cadbury Schweppes, hit back yesterday at critics of the company's performance in the American soft drinks market, claiming that Pepsi-Cola would struggle to make a success of Storm, the soft drink that is soon to be launched in the United States as a rival to Cadbury's 7Up.

Mr Sunderland said Pepsi was frustrated because it did not own 7Up in the US and that Storm was its response. However, he cautioned that no brand launched in the US since the Second World War had achieved more than 1 per cent share and said: "How long can they go launching and ignore the impact on their existing product?"

Cadbury, which yesterday revealed a 67 per cent rise in pre-tax profit to £987 million, now owns 7Up in the US and that Storm was its response. However, he cautioned that no brand launched in the US since the Second World War had achieved more than 1 per cent share and said: "How long can they go launching and ignore the impact on their existing product?"

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John Sunderland, left, and Sir Dominic Cadbury

Cadbury's 1997 result includes a £412 million net gain from the sale of a majority share in Coca-Cola Schweppes Beverage in February 1997. Excluding disposals and the sales of currency translation, sales grew 7 per cent last year and trading profit rose 17 per cent. At constant currencies, pre-tax profits from continuing businesses, excluding disposals, gained 20 per cent to £575 million.

Cadbury will seek approval for share buybacks at the annual meeting. Net borrowings were halved to £649 million and gearing is down to 37 per cent from 92 per cent. Mr Sunderland said: "Our balance sheet is becoming less efficient." However, he said the resolution was intended to add flexibility and insisted that the company had no plans to buy back shares.

Cadbury, where Sir Dominic Cadbury is chairman, is paying a dividend of 18p for the year, up 6 per cent on 1996's, with a 12.5p final. Underlying earnings rose to 37.2p a share from 34.1p.

Warm weather set back growth in confectionery in the UK and Australia, but trading profits from chocolates and sweets grew 11 per cent to £282 million thanks to sales growth of 6 per cent overall and a rise in operating margin from 11.9 to 12.7 per cent.

Dillons name fades to Waterstone's

MORE than 40 Dillons bookshops will be rebranded as Waterstone's over the next few months, leaving the historic book chain with only 29 remaining outlets throughout Britain (Chris Ayres writes).

Even the flagship Dillons store on Gower Street, central London, is likely to be turned into a Waterstone's outlet. The strategy was revealed yesterday by the newly formed HMV Media Group, which will control Waterstone's when the £300 million sale of the book chain to EMI is completed. It will also control Dillons, already owned by EMI, and the HMV music retail chain.

Martin Lee, marketing director of HMV Media, agreed that the decision would upset many Dillons managers, but denied that brand would be killed off.

Hays advances at halfway stage

By PAUL DURMAN

HAYS, the business services group, has continued its strong progress with half-year results showing a 29 per cent rise to £92.9 million in underlying pre-tax profits.

Ronnie Frost, chairman, said the outlook remains encouraging with Hays continuing to benefit from the growth in outsourcing. He said because Hays is a three-legged stool — with its operations split between distribution, commercial services and personnel recruitment — "regardless of what the economy [is like], the group overall should produce good growth".

Recent acquisitions, principally France Distribution System, contributed £5.9 million of profit in the six months to December 31. Integration costs produced a £3.9 million exceptional charge, reducing

the pre-tax profit to £88.3 million (£64.2 million).

Hays's growth was led by its personnel division, where profits rose 41 per cent to £32.1 million. Hays Accountancy and Hays Montrose (for construction and civil engineering staff) grew rapidly on the back of the strong UK economy.

Distribution increased its contribution by 23 per cent to £36.3 million, despite continuing difficult conditions in Germany. Commercial increased profits by 21 per cent to £28.7 million on sales of £122 million (£104 million). Recent acquisitions have expanded commercial into invoicing and payment services and document scanning.

The interim dividend of 3.45p, an increase of 15 per cent, will be paid on May 29.

Tempus, page 30

Dunloe wins O'Connor's Ewart stake

EWART, the property group based in the Irish Republic, confirmed its chairman had delivered control of the company to its rival Dunloe House yesterday by selling his 16 per cent holding in the group (Kathy Lipari writes).

Dunloe announced it had acquired 51.2 per cent of Ewart with Brian O'Connor's stake, and will make its 81p bid for the company unconditional.

A battle for the company broke out when Moyne, a Northern Ireland consortium, made a bid which was supported by the Ewart board.

Mr O'Connor then decided to sell his holding to Dunloe against the recommendations of Ewart's advisers and the majority of his fellow directors.

Psion shares dive after warning

By CHRIS AYRES

CITY confidence in Psion was dented yesterday after the manufacturer of electronic personal organisers and computer hardware reported a fall in pre-tax profits and warned of a slowdown in growth.

Shares in Psion tumbled 50p to 329p as fears grew that the European market leader would be hit by competition from software giants such as Microsoft. There was also concern over the company's plan to broaden its activities to include more software and data communications products, and its ambitious expansion into America.

David Potter, Psion's chairman, said: "We look forward to growth but not as rapid as people have come to expect."

Introduction of new jargon by Microsoft — especially the acronym HPC, which stands for handheld PC.

However, Mr Potter hinted at a partnership with the software giant, saying: "A company of our size cannot do everything. Psion has already joined forces with Dell, the computer manufacturer, and the electronics and media group Philips."

Pre-tax profits for the year to December 31 were down 29 per cent from £16 million to £11.4 million. Earnings per share were down 29.3 per cent from 14.57p to 10.36p. A total dividend of 2.5p, up from 2.25p, will be paid on May 15 after payment of a 1.8p final dividend, up from 1.6p.

Tempus, page 30

Delay likely for new tax credit

By CAROLINE MERRILL

THE introduction of the working family tax credit (WFTC), central to the Government's reform of the welfare state, looks certain to be delayed until after 1999 because of problems in setting up systems to deal with the administration of the tax relief.

WFTC will be the replacement for family credit which is currently paid out in full to working households earning under £7,700 a week.

Full details of WFTC were expected to be included in the Budget on March 17, with the aim of bringing in the new system for April 1999. Under the proposals for WFTC, the benefit will be paid to those in low-paid work through a tax rebate.

However, changing a welfare benefit into a tax rebate,

which involves both the Inland Revenue and the Department of Social Security, is proving more complicated than the Government envisaged. One of the difficulties could centre on whether the rebate should be administered by employers.

Under the original proposals for the reform of family credit, the Government planned to bring in a US-style system of credits, under which the entire family income would be taken into account when assessing who would qualify for WFTC.

However, Martin Taylor, the Barclays chief executive who is working on the plans for WFTC, said recently that there would be no wholesale importation of the American system.

IF YOU HAVE
A HUNGER
FOR BUSINESS
WE'VE
GOT THE
APPETITE

Katrina O'Hagan
Relationship Manager

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STOCK MARKET

MICHAEL CLARK

Stock Market Writer
of the YearInterest rate fears push
FTSE 100 below 5,800

SHARE prices tumbled back below 5,800 as City investors began batten down the hatches in case the Bank of England's Monetary Policy Committee decides to raise interest rates today.

Economists think there is only an outside chance of a rate rise this time and claim that intense corporate activity and strong US shares will continue to keep the equity market pressing ahead. But the damage being done by high interest rates to share prices was all too apparent yesterday as a clutch of famous names came out with gloomy trading statements that heightened the market's caution.

As the recent record-breaking run showed signs of coming apart at the seams, the FTSE 100 index ended with losses across the board. But in spite of opening losses on Wall Street, the index managed to close above its worst levels, reducing the fall to 74.6 points, 5,733.1, having touched 5,704.5. A total of 957 million shares changed hands.

MFI Furniture was the first of the retailers to depress brokers. Its price slumped 30p to a new low of 98p. "Flat-pack furniture and flat-pack prices" was the comment of one broker as analysts began downgrading their profit forecasts for the current year by about £15 million to £65 million. The shares have slumped from a peak of 160p during the past year.

The latest trading update showed like-for-like sales during February of just 2 per cent. The company blamed higher interest charges, which prevent mortgageholders from spending in the shops.

Also taking a nosedive was former high-flyer DFS Furniture, which plunged 124p to 463p. It told the City that profits for the six months to April 22 would not exceed the £18.7 million achieved in the comparable period last year. Carpetright, down 74p to 422p, says that sales had not lived up to expectations during the first ten weeks. Peel Hunt, the broker, has cut its forecast by £4 million to £36 million.

This latest turn of events rattled the rest of the high street sector, which is waiting to see if interest rates will rise later today. There were losses for Arcadia, 64p to 902p, Debenhams, 9p to 413p, Kingfisher, 23p to £10.28, Marks & Spencer, 15p to 556p, Allied Carpets, 15p to 151p, Dixons,



The Rolls-Royce manufacturer Vickers fell 12p to 201p

the mistake of going short in Spargo Consultants and found itself in trouble as the price touched 203p before closing 6p lower at 212p on profit-taking. Business is booming for the computer systems services group that last year raised pre-tax profits from £1.2 million to £1.7 million. Peel Hunt is forecasting £2.4 million for the current year and says the shares are

trading at a 40 per cent discount to the market. It is forecasting profits of £2.4 million for the current year. The millennium bug and single currency are likely to generate more business and Spargo is now hitting the acquisition trail with a deal that brokers say should boost its capitalisation from £25 million to £100 million by the year-end.

Some gloomy comments about current prospects left Vickers nursing a fall of 12p at 201p. The news emerged as the manufacturer of armoured cars and Rolls-Royce luxury motors announced a downturn in profits last year. A row has broken out between Rolls-Royce and BMW, the German car, over delays in negotiating the sale of Rolls-Royce.

A profits warning took its toll of Microgen, leaving the price 11p cheaper at 57p. The chemicals sector continued to make headway, buoyed by talk of a re-rating on the back of some buoyant numbers out from Inspect, up 4p to 228p, earlier in the week. Brent International rose 9p to 118p, Hickson International 4p to 80p and Holiday Chemicals 2p to 32p. Croda International touched 43p before finishing 1p firmer at 418p in spite of reports that Hercules in the US might be poised to bid. Attempts by Hercules to win control of Allied Colloids earlier this year ended in failure.

Faber Pencil climbed 31p to 494p as Heckel MultiServ Investment, a subsidiary of the US company Harco, slapped an offer of 500p a share on the table, valuing the business at £56 million. Faber announced details of a bid approach last month when the shares were changing hands at 360p.

GIIT-EDGED: Bond prices lost ground fearing another rate rise today. A strong survey for February from the Chartered Institute of Purchasing Managers also dampened sentiment, by providing further evidence of a fast-growing economy. In the futures pit, the June series of the Long Gilt finished 8 1/2p down at 106 1/2p, while in the conventional market Treasury 7.25 per cent 2007 was 1/4p lower at 108 1/4p.

NEW YORK: US stocks were weaker at midday as worry over Walt Disney profits sparked some selling in blue chips. The Dow Jones industrial average was down 71.00 points at 8,513.83.

London: FTSE 100 5,733.1 (+74.6) FTSE 250 5,088.7 (+12.7) FTSE 350 2,749.7 (+30.3) FTSE Europe 100 2,584.4 (+28.6) FTSE All-Share 2,678.5 (+27.4) FTSE Non-Financials 2,675.7 (+18.6) FTSE Financials 139.31 (+0.43) FTSE Govt 500 102.87 (+0.27) FTSE Govt 100 102.87 (+0.27) FTSE Govt 100 102.87 (+0.27)

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MAJOR FINANCIAL

New York (midday):

Dow Jones 8513.83 (+71.00)

S&P Composite 1065.26 (+7.70)

Tokyo: Nikkei Average 17095.60 (+72.73)

Hong Kong: Hang Seng 11380.81 (+74.65)

Amsterdam: AEX Index 1094.74 (+4.53)

Sydney: All Ordinaries 2703.4 (+21.8)

Frankfurt: DAX 4706.59 (+47.59)

Singapore: Straits 1571.69 (+21.39)

Brussels: CAC-40 1637.44 (+41.50)

Paris: CAC-40 1637.44 (+41.50)

Zurich: SMI 1415.40 (+13.10)

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Vickers needs an engine

SIR COLIN CHANDLER, the Vickers chairman, insisted that the auction of Rolls-Royce

Motor Cars is not the flawed fire sale many

suspect it to be, devised to foil Mayflower's

takeover plans last year and hamstringing by

BMW's engine-supply deal.

The proof will come when the price is

revealed in the spring. Investors are then

likely to get some cash back, a prospect that

failed to ignite the shares. They fell 12p to

201p. There are worries that the remaining

businesses have limited growth prospects.

Where will the acquisitions come from, now

that the takeover of GKN's armoured vehicle

business has stumbled on price?

Marine propulsion, which accounts for

about 60 per cent of the propulsion technology

division's £25.8 million operating profit, will

be the first division to be beefed up. It is

strongly positioned in a growth sector.

However, it sits next to a turbine components

business that may be the victim of poor

timing. The components are selling well, but

production is hitting capacity constraints.

New capacity will not be on stream until next

year, when the aerospace cycle may be

entering a downturn.

In the Cosworth castings business, the

problem is too much capacity, and Vickers is

embarrassed by the lack of orders. And then

there is defence. It will not be easy for Vickers

to assert itself in the consolidation of the

European industry.

Much of the bad news is in the price. Fair

value could be up to 260p, if Rolls-Royce

defines the odds and fetches a high price and if

Vickers does well in defence orders. That

justifies holding on.

The Vickers chairman, Sir Colin Chandler, insisted that the auction of Rolls-Royce

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ABP

ASSOCIATED British Ports

has been seeking ways to

breathe new life into a share

price that, measured over

three years, has barely

moved. Yesterday, unex-

pected share buyback deals

little to dispel the perception

that it has run short of ideas

now that the improvements

made possible by the aboli-

tion of the Dock Labour

Scheme are exhausted.

Unlike many companies

resorting to buybacks, ABP

is hardly awash with cash.

Borrowings rose to £30 million

last year. Debts are likely to fall

now investment in upgrading

Southampton is complete, but ABP still feels the

need to fund the £100 million

share buyback with proceeds

from sales of non-port prop-

erty, most of which have yet

to take place. Given ABP's</

Please don't put us off saving

Parliament is not a place for cool, long-term thinking. Tuesday's pre-Budget Commons debate on the proposed individual savings account was no exception. Mild-mannered Peter Lilley even had to apologise for calling Geoffrey Robinson, its patron, the tax-dodger general. Yet useful conclusions emerged.

First, tax reliefs matter least to those who pay least tax. Second, complex schemes such as this are too costly for small savers. Third, we need to encourage middle income and below people to save just as much as those on low incomes. These truths should give Gordon Brown pause to think more widely about encouraging savings and taxing the ensuing wealth, not just details of the Isa.

Tax breaks on savings are bound to be less of an incentive to save for people who pay little or no net tax. That is the general fiscal rule. Those who pay most naturally benefit most from tax cuts. The Chancellor and his troops have doubtless wrestled with this natural order in trying to work out how

to have a 10 per cent rate of income tax without helping high rate taxpayers most. Cracks are visible in the National Insurance ceiling.

Vast numbers who do not save can ill afford to, including those entitled to the expected family credit. For them, savings are truly consumption foregone. Money put aside should be short-term, safe and easily accessible until circumstances improve. Compulsory pension contributions would seem no different from tax.

Small, intermittent savings with instant access also cost more in administration. That is why building societies pay lower interest on such accounts and why penny packet life policies, pension plans or friendly society schemes have often made poor returns. If tax help can boost returns and turn non-savers into small savers, it looks a worthy use of taxpayers' pounds.

That seems to be the spirit

behind the Isa. The practice spoils it. It was bound to have complex rules because it combined Peps and Tassas, which attracted mainly middle-income over 30s, with small insurance policies and instant access accounts directed at the worse-off. Separate limits on contributions within the Isa and a £50,000 lifetime ceiling on contributions make it far worse. The result is a costly scheme aimed at those who can least afford to bear the cost. Only those paying higher rate tax will clearly benefit.

By accident, the proposals would also produce perverse incentives for millions in between. Any money transferred from the cancelled Pep and Tessa regimes is meant to count towards the lifetime Isa limit. That sends a message to those who are even halfway towards £50,000 that they do not need to save so much. Some of those with more — probably

near one million than the 300,000 odd with £50,000 in Peps alone — will blow the difference.

Such things as we have suggest that the lifetime limit on Isa might be lifted, perhaps in exchange for a slightly tighter curb on annual contributions. An even smarter move would be to allow Peps to continue, less the dividend credits due to be sized in a year's

time. That would not cost the Treasury much. It is easy to calculate the tax cost of making pension contributions tax-deductible. Costing tax relief on dividends, interest or capital gains is bound to be rough, because the money would otherwise be used for other things. Without dividend tax credits, Peps probably cost the Inland Revenue little.

Peps would surely remain popular because charges made to claim tax relief would fall and much of their appeal lies in simplicity rather than tax saving. Returns on Pep investments do not have to be detailed on tax forms or apportioned to minimise capital gains liability. This is a useful lesson for the Chancellor. By contrast, less need a new temporary relief from the residual 10 per cent dividend tax to be competitive.

If the Chancellor heeds the hue and cry over lifetime limits and

Pep transfers, the Isa row will doubtless be stilled. That will not, however, make the scheme much good. Better to leave it out of the Budget, allow Peps to continue, and have a bigger rethink.

A single catch-all scheme is not enough to encourage savings efficiently. Several regimes are needed, which lead one to another up the scale. At the bottom end, subsidy is useful. At the top end, savers and wealthy entrepreneurs need only be allowed to roll up their funds free of tax distortions, paying tax when returns are finally taken out.

A voluntary stakeholder pension should be top priority for people on modest incomes. That will absorb all the long-term savings and exposure to shares they can afford. The scheme needs full tax relief on contributions and returns, including a 10 per cent dividend credit. For casual savers, the Treasury

should offer a free-access National Savings account offering a return equivalent to a high-interest building society account free of tax to lower rate taxpayers. Banks and societies would soon compete. Once savers reached the limit, say £5,000, it would be natural to switch the funds into a longer-term investment such as a shares, corporate debt or insurance bonds under a cheaper, freer version of a Pep or Isa.

Further up the scale, investors should be allowed a vehicle that would roll up returns without paying tax until they were withdrawn. Ideally, even businesses, farms, houses or taxed inheritances could be accommodated, allowing the Revenue to do away with virtually all the distorting special reliefs that already allow the wealthy to avoid taxes paid by the rest of us.

Less may have bombed but if we could finally agree a long-term plan to help savers large and small, even wealthy Mr Robinson would again be able to look the small savers of the East End in the face.

Why companies are handing their cash back to investors

Richard Miles assesses the merits of a taste for buybacks

Barclays is doing it. Rio Tinto is doing it. Every self-respecting British company is buying back its own shares. This week alone, no fewer than four companies have unveiled plans for a share buyback, or hinted that such a stock repurchase programme is in the offing.

Although a popular method of capital repatriation in the US for many years, share buybacks have only come into their own in the UK over the past 18 months. Utility companies have been in the vanguard of this movement, often ignoring critics who say the money could have been better spent on investment.

David McBain, and Bob Semple, analysts at NatWest Markets, estimate that total share buybacks were worth £3.4 billion last year, although some market watchers put the figure at twice that. Wessex Water, Severn Trent Water, Barclays and Rank all made significant contributions to the beast.

This year, McBain and Semple reckon share buybacks will total upwards of £10 billion. If that sounds a lot, then the floodgates could open still wider from April 1999, when advance corporation tax (ACT) is abolished. Its removal will make buybacks all the more attractive to those with surplus ACT on their books. Why this craze for buybacks? A prolonged period of low interest rates and low inflation has led to a general strengthening of company balance sheets. Businesses that generate a lot of cash, such as the utility services and retail banks, now find themselves sitting on a mountain of excess capital. Companies such as Halifax, which this week announced that it is to return a quarter of its £4 billion cash



Jon Foulds, chairman, left, and Mike Blackburn, plan a handout at the Halifax

surplus to investors, say they do not need all of the cash to finance organic growth. Nor can they find a suitable target for acquisition, given the "toppy prices" in today's market. Therefore, the only sensible option is to return the money to shareholders.

Simultaneously, a buyback can help companies to realign their balance sheets in favour of debt over equities. At present, debt is a more tax-efficient method of raising capital than equity. In short, the cost of borrowing is less than the cost of cash.

Andrew Hartley, head of UK equities at Scottish Equitable, the life insurer, says Britain is slowly moving in line with other countries. "The debt/equity ratio for British companies is around 30:70. This compares with 60:40 on the European continent, and 70:30 in the US. It is quite legitimate to look for a more appropriate capital structure," says Mr Hartley.

Investors gain too: some directly, but all indirectly. In theory, those who sell should get a good price for their stock. At the same time, by reducing

the amount of stock in the market, its price should rise, benefiting all holders. Most certainly, the earnings per share increases, and so dividends should rise.

However, all is not as it seems. Very few of the buybacks announced over the past 18 months have been conventional share-repurchase schemes. Of the £3.4 billion returned last year, only GEC's £300 million package followed the traditional path, according to NatWest Markets. More typically, companies have embarked on a

rolling buyback programme, repurchasing their stock only when the price dips. Barclays has taken this route.

Other companies have adopted still more sophisticated ploys. Some have issued an additional class of share, referred to as a C-share. These are distributed to shareholders and then repurchased at a price. At the same time, the company carries out a stock consolidation programme, reducing the total number of shares in issue. Mr McBain says the most conspicuous example is British Gas.

Such complex ruses are generally devised for companies with surplus ACT. Technically, there has been no distribution to investors as with a conventional share buyback, so there is no tax liability. "One senses that if ACT were not to disappear altogether in April 1999, then the Inland Revenue might regard this as avoidance," says Mr McBain.

Reuters, the information company, took yet another approach. It established a separate holding company, that bought out £1.48 billion of shares from investors. The aim was in part to avoid tax, but it was also to ensure that all shareholders, 30 per cent of whom are US residents, were treated equally. The cheques went out this week.

An undoubted ramification of the buyback craze has been to push up the stock market to record highs. As the volume of equities in circulation diminishes, so the prices of the remaining stock increase: a straight-forward case of supply and demand. NatWest Markets estimates that the amount of UK equity could shrink by as much as £15 billion this year.

The continued rise of the stock market, coupled with a contracting amount of equity, has sometimes frustrated the very companies seeking to buy back shares. Barclays said last year that it intended to repurchase £700 million worth of stock. In the event, it was able to buy back just over half that amount: sellers did not want to let go of their paper. And why should they when the stock is performing so well? With growth of around 60 per cent last year, Barclays turned out to be one of the best performers.

ing shares. The bank's determination to redistribute capital through a buyback only served to push the price higher. The bank found itself in a near virtuous circle.

The emphasis on buybacks and capital reorganisation is likely to be at the expense of special dividends this year. Some argue that special dividends are more equitable for the small shareholder: everybody gets a slice of the cake. Halifax, two thirds owned by its former members, came under fire this week for preferring a buyback to a special dividend. Woolwich compromised by announcing both.

Institutional investors have maintained a neutral stance on share buybacks since the closure of a tax avoidance loophole in October 1996.

Until then, pension funds and other gross investors were able to claim a tax credit against the "distribution element" of a share buyback or special dividend. Even though this loophole was closed more than a year ago, the Inland Revenue is attempting to recoup some of the hundreds of millions it paid out in tax credits. Its officials believe that some pension fund managers deliberately targeted companies that had announced buybacks or special dividends. They believe this may break rules barring pension funds from trading in securities.

The market expects no let-up in the tide of buybacks, barring any seismic changes to the UK economy. "Maximising shareholder value is the name of the game these days. Share buybacks achieve that," says Mr McBain.

Net gains for those about to junk junk mail

The concept of a paperless future has always been treated with widespread derision. After all, nearly every new product that promises to create this utopia seems to arrive in a cardboard box with a telephone directory-sized instruction manual. But computer gurus now talk about the death of direct marketing: a euphemism for the promotional junk that spills out of magazines and litter our doorsteps. Such optimism was fuelled by the launch of a radical marketing strategy last week by Yahoo, the online information group.

Yahoo is marketing the Visa Platinum credit card that it launched with First USA, the issuer, almost solely on the Internet. Potential customers can apply online.

The marketing industry views such strategy as revolutionary. An estimated total of £320 million is spent in the UK each year on direct marketing. Given the glut of direct marketing has seen the cost of acquiring new customers rise by the day.

According to NextCard, a US online credit card group, marketing costs can be halved on the Internet. The cost of acquiring new customers by "junk-mail" direct marketing is estimated to be between \$75 to \$125 a person. The Internet is, however, open to such abuses as "spam", a word used to describe junk e-mail, rather than the tinned meat, though some suggest the term is a reference to the Monty Python sketch. Campaigners in the US, complaining that their privacy is being invaded, are threatening to exclude companies from the Internet that send junk e-mails.



THE HOT NEWS ON INFORMATION, COMMUNICATION AND ENTERTAINMENT

COMPUTER companies this week met carmakers in the US to discuss the future of in-car technology. Most manufacturers said they wanted to provide navigation, entertainment, traffic information, e-mail and basic Internet services in their vehicles. Most expected some cars to be fitted with PCs by 2001, with services aimed at entertaining back-seat passengers as well as providing the likes of navigational information. Some believe that building PCs into cars would create enormous reliability problems. Ford plans to use Intel processors and a Windows operating system to build what it calls ICEs: all-in-one devices that will provide information, communication, entertainment, safety and security.

FAX services offered by Internet companies will soon pose a threat to telephone companies, according to analysts who met at a conference in Amsterdam on Friday. They predicted that the market for Internet telephony would grow from 2 million users in 1996 to 16 million users in 2000. By sending faxes through Internet service providers (ISPs), customers are charged only local call rates even for data sent abroad.

CHRIS AYRES

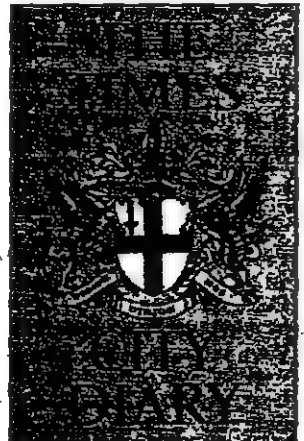
Squatter's right

I HEAR a sad story. An old man, once a titan of industry, sits alone amid the wreckage of his empire; around him, the demolition men with their excavators close in. The man is Lord Weinstock of GEC, his last resting place the hideous 1960s office block in Stanhope Place that was until ten days ago GEC headquarters. It seems Lord Weinstock has an enormous passion for this ghastly building. When the rest of GEC relocated to rather swifter premises at nearby Bruton Street, he did not budge. I have the information courtesy of Alex Brummer, his

lordship's biographer. No one at GEC seemed too sure why Weinstock is still camped out. Miss Haversham-style, at Stanhope Gate, which is facing richly deserved demolition, now GEC's lease has run out.

Brummer suggests that the builders are still working at his new offices at Bruton Street, because while Lord Weinstock no longer works for GEC, the terms of his retirement agreement require him to be given office space there. His continued presence at head office did not please everyone there, I hear, including one or two senior board figures. Builders can, alas, be terribly slow unless goaded into action. I hope the board in this case will install in them the need for haste.

MANY thanks for the dozens of entries to my competition to find suitable jobs for the high and mighty should they fall on hard times, after Jonathan Aitken's new career as a merchant of death. I only have space to single out two. Brenda Pitter, of Chinnor, Oxfordshire, nominates Lord Irvine of Lairg as the new presenter of "Changing Rooms". Margaret Pinner, of Caterham, Surrey, offers William



Hague gainful employment as a male model — for the Mothercare catalogue.

Wind trap

ANOTHER engineer is leaving home. Sir Colin Chandler, chairman of Vickers, has decreed that Millbank Tower is far too grand for the new, slimmed-down Vickers, not to say too expensive. He is saying goodbye to all that oak paneling for something more modest nearby. And hooray, say I, still recovering from a voracious lunch there a while back. I am terrified of anything much higher than a soap-box, and from the top of the tower you can see most of southern England. But not from under

the dining table, with your hands over your eyes. Plus it sways perceptibly in the wind. The Vickers chaps attempted to lure me out from my refuge by insisting that it did not move at all, it was all in my imagination. Eppur si muove, Sir Colin. Yet it moves.

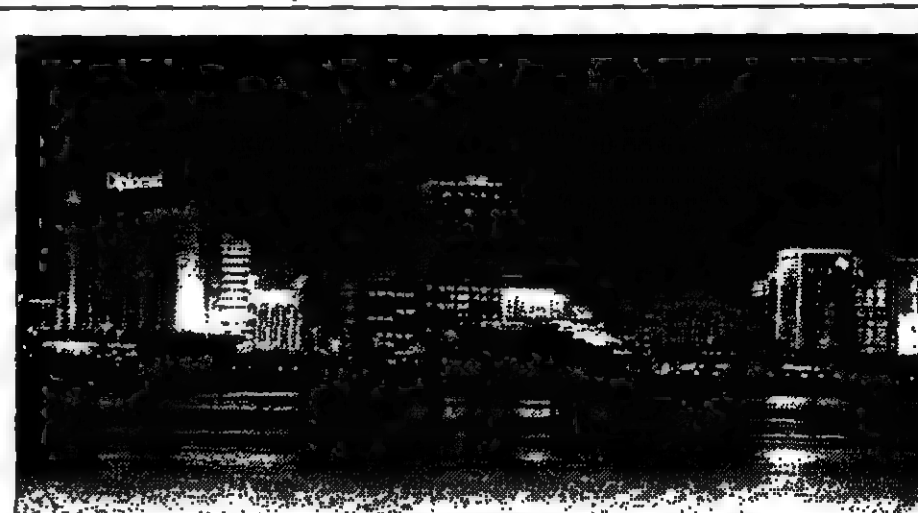
THE spirit of thrift is alive at the NatWest. A cashpoint receipt issued a couple of days ago had a festive message on the back: "Wishing you a merry Christmas and a Happy New Year." Plus a competition to win a Christmas hamper, and a couple of sprigs of holly. No point in throwing away old stationery, is there? I bet Derek Wanless even reuses his Christmas wrapping paper.

Regulated

A GATHERING of heavy City types — my contact spotted Marcus Agius of Lazards — was at the Ritz yesterday morning to hear Chris Haskins, the genial boss of Northern Foods, talk about "corporate governance and other matters". Alas, I will have to go to my grave with the keen regret that I missed it, and so earth-shattering was the event that it was held under Chatham House rules, so no one there is allowed, under pain of fearful torture, to talk about what was said.



Chris Haskins: drinking to his favourite topic



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BAHRAIN PROMOTIONS & MARKETING BOARD

Top Irish society to be bank by autumn

First National, the largest building society in the Republic of Ireland, will become a bank by the autumn after a vote at the annual meeting in May.

Details of the conversion timetable, released yesterday, indicate that some 220,000 savers and borrowers stand to receive four-figure windfalls but only longer-standing customers will benefit: payouts will be given only to those who were customers on April 8, 1996.

This excludes carpetbaggers who opened accounts last year, when speculation began that First National intended to shed its mutual status. Beneficiaries will receive an estimate of the value of their shares next month.

First National has chosen to make a basic share distribution, following the example of the Alliance & Leicester and Northern Rock. Savers of other converting societies have received payouts based on the size of their balances.

First National saw its pre-tax profits rise 12.4 per cent to a record £131.68 million (£26.2 million) after exceptional items of £128 million. The society's UK savings and mortgage operations contributed £15.8 million to operating profits. There was a 14.7 per cent rise in lending.

Micro back in black

Micro Focus Group, the computer programming company whose shares traded in London and on New York's Nasdaq exchange, earned net income of \$14.6 million (\$3.8 million) last year, reversing a loss of \$14.7 million in 1996. In the fourth quarter, net income rose to \$5.3 million, from \$1.8 million a year ago. The company said it was pleased with the market's response to its Year 2000 products and services and that it expected to continue to capitalise on opportunities arising from the so-called millennium bug this year. Shares rose 29p to \$34.92 yesterday.



Boxed in: Alan Johnstone, right, leads the management buy-in team that has acquired Lawson Mardon Carton Europe in a deal that was led by PPM Ventures, part of Prudential Corporation. Total funding is about £40 million. Also pictured is PPM's Neil MacDougall, who will join the board

ABP unveils £100m buyback to be funded from disposals

By MARTIN BARROW

ASSOCIATED British Ports is to return £100 million to investors this year by way of a share repurchase scheme.

The UK's biggest ports operator plans to fund the buyback from the proceeds of the sale of non-port related property holdings. Since the disposal programme was announced last September, the company has completed sales worth some £42 million. The remain-

ing portfolio is worth about £75 million.

News of the buyback lifted ABP shares 18½p to 340½p yesterday, a five-year high. The company, which operates ports in Southampton, in Grimsby, Goole and Hull on the Humber, and in South Wales, also announced a 10 per cent rise in underlying profits to £105 million before tax.

The company, which is undertaking a restructuring of its

smaller ports where growth has been slower in recent years, set aside a £7.5 million charge, including £3.6 million for severance costs.

Sir Keith said: "It is clear that much of the future growth in the business will continue to come from the major ports but we also see potential for a significant improvement in the performance of the small ports through further productivity gains and the development of new sources of

revenue." The company expects to achieve annual cost savings of about £5 million.

In March ABP acquired the Port of Ipswich for £12 million. The company said it had already taken measures to reverse the decline in business suffered by the port in recent years. "Business is growing and financial performance is improving accordingly," said Sir Keith.

Group pre-tax profits rose to £99 million from £93.5 million

on turnover that rose to £287 million from £247 million.

Total throughput at ABP ports was just 3 million tonnes higher—521 million tonnes—than in 1996, including an initial 1.5 million tonnes at newly acquired Ipswich. There were increased volumes of unit-load business but these were partially offset by reduced tonnages of petroleum and other chemical products. Throughput, excluding petroleum, rose 6 per cent.

At Southampton, work was completed on the deepening of the main approach channel to improve access for the largest container ships. At Southampton Container Terminals there was a strong surge in business in the second half of the year so that the number of units handled for the year as a whole rose 10 per cent to 893,000.

The company is lifting the total dividend to 9p a share from 8.5p, with a 5p final dividend from earnings of 19.8p a share, up from 18.4p.

Tempus, page 50
Share buybacks, page 34

Serco seeks £33m for expansion

By OUR CITY STAFF

SERCO GROUP, the task management contractor to government and industry, is raising £33 million by way of a share placing to fund future expansion, it announced yesterday.

The company is placing 3 million shares at £11.10 with institutional investors, with Cazenove acting as broker. The

fundraising was accompanied by news of a rise in pre-tax profits to £22 million in 1997 from £18.3 million in 1996.

Serco said it had enjoyed considerable success in winning new bids under the Private Finance Initiative last year. Increasingly, bids call for the provision and financing of assets requiring some

equity investment, creating the need for additional capital.

Serco's shares have risen strongly in response to the trend for local authorities and companies to outsource a diverse range of tasks. Worth 183p five years ago, the shares, traded at £11.35 yesterday, valuing the company at more than £700 million. It was

floated on the stock market in 1988 valued at £20.1 million.

The 20 per cent advance in annual profits announced yesterday was achieved on turnover that rose 23.2 per cent to £489 million. Earnings rose to 23.9p a share from 18.8p. The total dividend is increased to 6.4p a share from 5.5p, with a 4.4p final.

Cables setback forces BICC to cut payout

By ADAM JONES

BICC GROUP cut its dividend by more than a third yesterday, after the woes of its cables businesses eclipsed the renaissance of Balfour Beatty, its construction arm.

Demand for BICC's energy cables has fallen as electricity companies on the Continent have tightened their belts in the wake of privatisation, deregulation and falls in government spending.

Exchange per share in 1997 fell from 15p to 10.1p before exceptional gains, forcing BICC to reduce its total dividend for the year from 12½p to 8p. The shares responded by falling from 146½p to 138½p.

As expected, BICC also had to absorb a £140 million exceptional charge after a wide-ranging restructuring in the UK, Europe and Australia. This led to a pre-tax loss of £30 million, compared with a £64 million profit in 1996.

Operating profits from worldwide cable sales fell 45 per cent, and BICC cautioned that the first half of 1998 "will continue to be challenging".

However, Alan Jones, chief executive, said he was buoyed

by the performance of Balfour Beatty where operating profits rose from £10 million to £42 million. Turnover at the division had only risen from £2.1 billion to £2.2 billion.

He said Balfour had benefited from the end of several loss-making contracts, as well as general productivity gains, and further margin improvements can be expected.

The exceptional charge of £140 million comes after BICC shed 2,000 staff. Some of the cuts follow the sale of businesses, rather than being redundancies. Nearly 450 jobs are going in the UK after an asset swap and mutual shutdown of plants with Delta. Other losses include 350 jobs in Italy and 300 in Germany. The cost base of the European energy cables business has been cut by £45 million as a result.

Mr Jones said BICC's planned investment of between £10 million and £15 million in Asian countries affected by the regional economic difficulty would be delayed by six to nine months. However, the company said direct exposure to the region was limited.

Dawson knitwear back to profit

By KATHY LIPARI

DAWSON International, the textile group best known for its Pringle knitwear, appeared to be back on track after reporting a 17 per cent rise in underlying pre-tax profits to £13.8 million in the year to January 3.

Dawson said its knitwear and clothing division returned to profitability for the first time in three years and all of its operations were making money.

However, the company, which has changed its financial year-end, said a £3.6-million restructuring charge associated with the Pringle of Scotland division, which sponsors Nick Faldo, the golfer, reduced pre-tax profits for the first nine months of this period to £10.9 million from £12.5 million in the previous 12 months. The company is changing its reporting period to a calendar year.

Dawson faced pressures from a strong currency, extremely low raw material prices and a slowing of its Far Eastern markets. While the company had made a strategically sound long-term move signing deals in the Far East for its supply of cashmere, a plunge in prices threatened profits, one analyst said.

Derek Finlay, chairman, said: "Our UK operations export 50 per cent of their output and have been severely affected by the strength of sterling which has hit profits, sales turnover and caused permanent loss of jobs."

Turnover fell to £272.4 million from £304.3 million while adjusted earnings per share increased to 6.5p from 5.8p. A second interim dividend of 1.1p was declared (1.8p).

Keep the tax changes simple

Ian Barlow, of KPMG, details what he would like to see in the Chancellor's first full Budget

March 17 will see the Government's first full Budget. A new government will inevitably have a large number of areas of tax policy that it wishes to address and the resulting Finance Bill could be one of the, if not the, longest ever.

The Government has stated its aim of tackling tax avoidance. In general, governments in recent years have not hesitated to close technical loopholes. Changes are, therefore, less likely to be "anti-avoidance" measures than policy changes, in some cases restricting existing reliefs. Possible measures might be the restriction of capital gains tax (CGT) reinvestment relief to non-property backed ventures or the abolition of potentially exempt transfers for inheritance tax.

The announcement of a general anti-avoidance rule (GAAR) is also a possibility, although November's pre-Budget report indicated that draft clauses were not likely to be published until the summer. Such a general rule would represent a new direction for tax policy in the UK, although we can draw on experience with similar rules in Australia, New Zealand and Canada.

Nevertheless, in my view, it could be made to work provided it included a speedy advance clearance procedure, and the Inland Revenue and Customs and Excise were properly staffed to deal with this.

My preferred approach would be, instead of a GAAR, to tackle this issue in three ways. First, to complete the tax law rewrite process so that all tax legislation is rewritten to achieve greater clarity as to its meaning and purpose. Secondly, to make much more use of explanatory memoranda to accompany legislation brought to Parliament. Finally, to use purposive anti-avoidance provisions in specific parts or chapters of the Taxes Acts, where the language can be tailored to its purpose more clearly than with a general anti-avoidance rule, ie, a series of "mini" GAARs.

The Government is committed to the abolition of advance corporation tax (ACT), and its replacement by a system of quarterly payments of corporation tax. If this is to be made to work, it is crucial that payments should be based on the results of the previous year, rather than on current-year profits as proposed. The



Ian Barlow says the Finance Bill could be the longest ever

threshold for smaller companies to be exempted from the instalment system should also be raised substantially. Currently the proposed limit is £300,000, reduced proportionately where there are associated companies. One solution would be to restrict the system to listed companies, or to p.lcs.

The new arrangements should incorporate a facility for making group payments, rather

than simply switching overpayments between group members as proposed. Some similar arrangement is also needed for consortium companies.

The differential between the interest rates on unpaid and overpaid corporation tax, currently very favourable to the Revenue, should be made minimal under the new system, and there should be a generous threshold below which under-

payments would not attract an interest charge at all.

Another area that has been under review is the CGT system. I personally would propose two simple measures: a single CGT rate of 20 per cent and a high annual exemption, of at least £20,000, based on proceeds rather than gains.

The Government's proposals for new individual savings accounts (ISAs) to replace personal equity plans (PEPs) and tax-exempt special savings schemes (Tessas) were published last year. Representations have focused on the proposed £50,000 lifetime limit, which, compared with just an annual limit, may add significant administrative complexity. It will also prevent some investors from transferring all their existing PEP and Tessa funds to the new regime. This represents a significant and unfair change for such investors, who might well have chosen other investment routes, such as additional voluntary contributions to pension schemes, if they had known that the rules were going to change.

The present rules on residence and domicile work favourably for individuals coming to the UK. There is scope for modernisation, but any change should take close account of the significant economic benefit to the UK of inward investment by non-domiciliaries.

The author is UK Head of Tax at KPMG

Split mars quest for right way to regulate

IN MANY WAYS, the past 20 years have been one long retreat for the accountancy profession over the issue of self-regulation. What Austin Mitchell, MP, the scourge of the profession, has long referred to as "chaps regulating chaps" has seemed out of date for a long time, even before the Thatcherite revolution ripped respect from the professions. However, it has always been a huge and intractable problem to find something to replace it.

The crucial issue is who takes responsibility. It is plain that regulation of the accountancy profession should be independent of the profession. However, someone has to sit under the sign that reads "The Buck Stops Here". The obvious answer is the Government, or some government agency. However, that doesn't work either. It is all very well for politicians to shout that self-regulation doesn't work, but no politician, still less a government agency, has shown any interest in taking on the responsibility of regulation. They have always shown much more interest in pointing a finger at accountants when things go wrong. They have no interest in taking on the responsibility and finding that it is they that henceforth will have to take the fall.

So it was not without interest to find in last year's Labour Party manifesto for business that they intended to "ensure that there is a framework of independent regulation for the accountancy profession". Naturally, by sheer coincidence, the profession had proposals up its sleeve. Chris Swinson, soon to become president of the English ICA, had used all his complex diplomatic skills to produce a blueprint that might work. It was based on the model that seems to serve reasonably well in America.

After much work, a manifesto detailing the proposals was agreed by the profession, and this, entitled in suitably placatory fashion as *Moderating Regulation: Becoming Accountable to Stakeholders*, was put forward to the minister, Ian McCartney, at the Department of Trade and Industry last week. However, instead of Swinson returning in triumph to Moorgate Place and a secretariat shouting "Peace in our time!", it all turned low key. "The meeting was very positive," said one observer, "but we need to think a bit and then revisit it." There was a distinct tail-between-legs feeling. No date had been set for a further meeting.

There are two points here. The first is that

with company law reform more of a reality than it was six months ago, there is a feeling that a bit of the jigsaw, like regulating the accountancy profession, would be better kept waiting for a time just to see how it might fit.

The second is in the profession itself. CIMA, the management accountancy body, still seems intent, for reasons hard to discern, on being as awkward as possible. The profession's document, shows that CIMA has insisted on opting out of the profession-wide proposals for an ethics standards board and for an investigation and discipline board. You could perhaps excuse them for taking the cynical line that they do not want to fund a disciplinary scheme that they insist would have little to investigate when it came to CIMA members. However, seeking "observers" rather than signing up to the ethics board seems more of a petty attempt at a slight than something with any principle about it. The tragedy is that CIMA's taking the role of the profession's custodian damages what could have been a historic moment in the impressive show of unity. Successive Governments have used "lack of unity" in the profession as a useful excuse for ignoring proposals for reform. CIMA's behaviour provides that excuse again.

This would be a tragedy. The proposals, as they stand, are just the minimum that would let Whitehall claim that independent regulation existed but also that it was suitably distant, if anything went wrong, from the Department of Trade and Industry.

When the proposals were being put together, it was assumed that the Government was still working to a deadline of establishing election pledges as implemented action by the end of April this year. The whole thrust of the document is towards speedy action. The section on implementation even provides a programme showing that the time to elapse from the day the idea is agreed until all regulatory responsibilities are transferred to the new system should be only eight months.

Whatever the reasons for delay, the end result needs to be as close as possible to the proposals—if only because the review board was intended to be rather more than simply a regulator. It was intended, as the proposals point out, "to act as an independent driver of change", and to create its own agenda to shake the profession up whenever required. That value may, in the long term, be even more valuable than the regulatory function.



ROBERT BRUCE

VAT takes on a silver hue

IT IS a horrifying statistic. But on April 1 value-added tax will be 25 years old. It always seemed appropriate that the tax was introduced on All Fools' Day and Anthony Barber, who was Chancellor of the Exchequer at the time, told us that it would be "the simplest tax ever".

A quarter of a century on, amid shelves groaning with legislation, tribunal decisions and ever-baffling and arcane regulations, it does not seem an anniversary that is worth

ANY OTHER BUSINESS

Longer letter

EVERYTHING is going swimmingly at KPMG again after the collapse of the merger—at least if the firm's latest annual report is anything to go by. Suggestions that it should have included an errata slip explaining the history of the merger shenanigans were loudly discounted and the theme of "knowledge into value" was loudly trumpeted. But one fact that was not shouted from the rooftops related to the audit.

This is the second year that the firm has surrendered itself to a formal audit. And, as is the case with the management letter in which Grant Thornton, the auditor, would have detailed its concerns and issues that need to be attended to, was not published. However, if you asked David Spence, Grant Thornton's chap in charge of the audit, whether the letter had become shorter or longer in this second year he had a simple answer. "Longer," he said.

CIMA, the management accountancy body, may still be keen on sticking its spoke awkwardly into the negotiations that the accountancy profession is having with the Government over regulation. But some parts of it retain a traditional nature. Take its Central London branch. It is having its annual meeting in a couple of weeks and members always need some encouragement to attend. Hence the combining of two events. "Annual General Meeting and Trip to Fulkers Brewery" is how they are billing it.

ROBERT BRUCE

هكذا امن الاصل

TRADING PERIOD: Settlement takes place five business days after the day of trade. Changes are calculated on the previous day's close, but adjustments are made when a stock is ex-dividend. Changes, yields and price/earnings ratios are based on middle prices.

Price at suspension: † Ex dividend; ‡ Ex split; Δ Ex rights
offer; ▼ Ex all; § Ex capital distribution; * Rights to report
called. No significant data. Companies in bold are

770	98	1997-7-5 2005	5.89	6.18	155	147
771	99	1997-7-5 2005	7.59	6.22	179	153
772	99	1997-7-5 2005-05	7.59	6.48	179	147
773	115	1998-11-5 2003-07	9.63	6.42	149	122
774	106	1998-11-5 2003	7.99	6.10	133	115

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Bent on more lights and camera action

It is virtually a given these days that a British theatre director will at some point try his or her hand at making a film. Much less guaranteed is the fate of these films, or how the various talents will take to the new medium. Nicholas Hytner had an unexpected success with *The Madness of King George* and an equally unexpected commercial failure with *The Crucible*, while Trevor Nunn has yet to make a movie that demonstrates anywhere near the confidence and appeal of his best stage work.

Now it is Sean Mathias's turn to stand up and be counted with a film of Martin Sherman's *Bent*, the acclaimed play whose National Theatre revival in 1990 was in fact directed by Mathias. Concerning the Nazi persecution of homosexuals during the Second World War, Sherman's 1979 play could be assumed to be risky material for the cinema, especially with no Tom Hanks to guide it to Oscar night. Indeed, the film (see review, facing page) had an underwhelming American debut in December.

Looking back, Mathias is well-positioned to compare the life of *Bent* to a life in the theatre that has seen the 41-year-old Welshman emerge in a relatively short time as a major talent: after all, when *Bent* was first performed at the Royal Court (and then, with Richard Gere, on Broadway), Mathias was best-known as the lover of its original London star, Ian McKellen. Now Mathias is an actor-author turned director, who has revitalised Jean Co-

Sean Mathias has had a bumpy ride from stage to film direction. But he's hanging on, Matt Wolf reports

teau (*Les Parents Terribles*) and Noel Coward (*Design for Living*) while guiding Judi Dench through the most haunting *Sand in the Clowns* yet in his beautiful National Theatre revival of *A Little Night Music*.

His most recent credit was directing the Pam Gems play *Marlene*, starring Sian Phillips as Marlene Dietrich. After a West End run last season, the show is on an international tour: Cape Town (Mathias's new home) last month, Dublin and Cork this. How, then, do the worlds of film and theatre compare? "They're wildly different," says Mathias. "The theatre seems like a rather cosy old aunt, a great old friend, whereas film is like a racy young cousin who's misleading you around the city all night."

His comparisons are doubly understandable if one considers the complications that have beset his movie work to date. Although Mathias scored a critical hit scripting American writer David Levithan's novel *The Lost Language of Cranes* for the BBC, he founded in his next venture, a planned film of his 1992 National Theatre staging of *Uncle Vanya* that proved impossible to finance.

Bent relied on Anglo-Japanese sources to come up with its £2.4 million budget, but its filming was waylaid by the removal midway through the shoot of American co-producer Michael Solinger as costs threatened to skyrocket. And if the budget seems small, it is not, Mathias points out, "when you're halfway through and you've spent it all".

One obvious question was what kind of film *Bent* would be, especially after *Schindler's List*, assumed to be the last word in Holocaust movies. Sherman's much-produced play, too, was in fact a hybrid of styles: bitchy and rather modern for much of the first half, set in 1936 Berlin; bleak, spare, even Beckett-like once it moves to a detention camp modelled on Dachau.

"If you did the film, it had to match the play," Mathias says. "That was so successful that there was no point in doing something that would just barely catch up with it. You had to surpass it; make it just as claustrophobic, just as emotional, just as psychological."

Secondly, Mathias says, "I thought: 'I can't rival a movie like *Schindler's List*. It must not be naturalistic. Neither can I rival a true documenta-

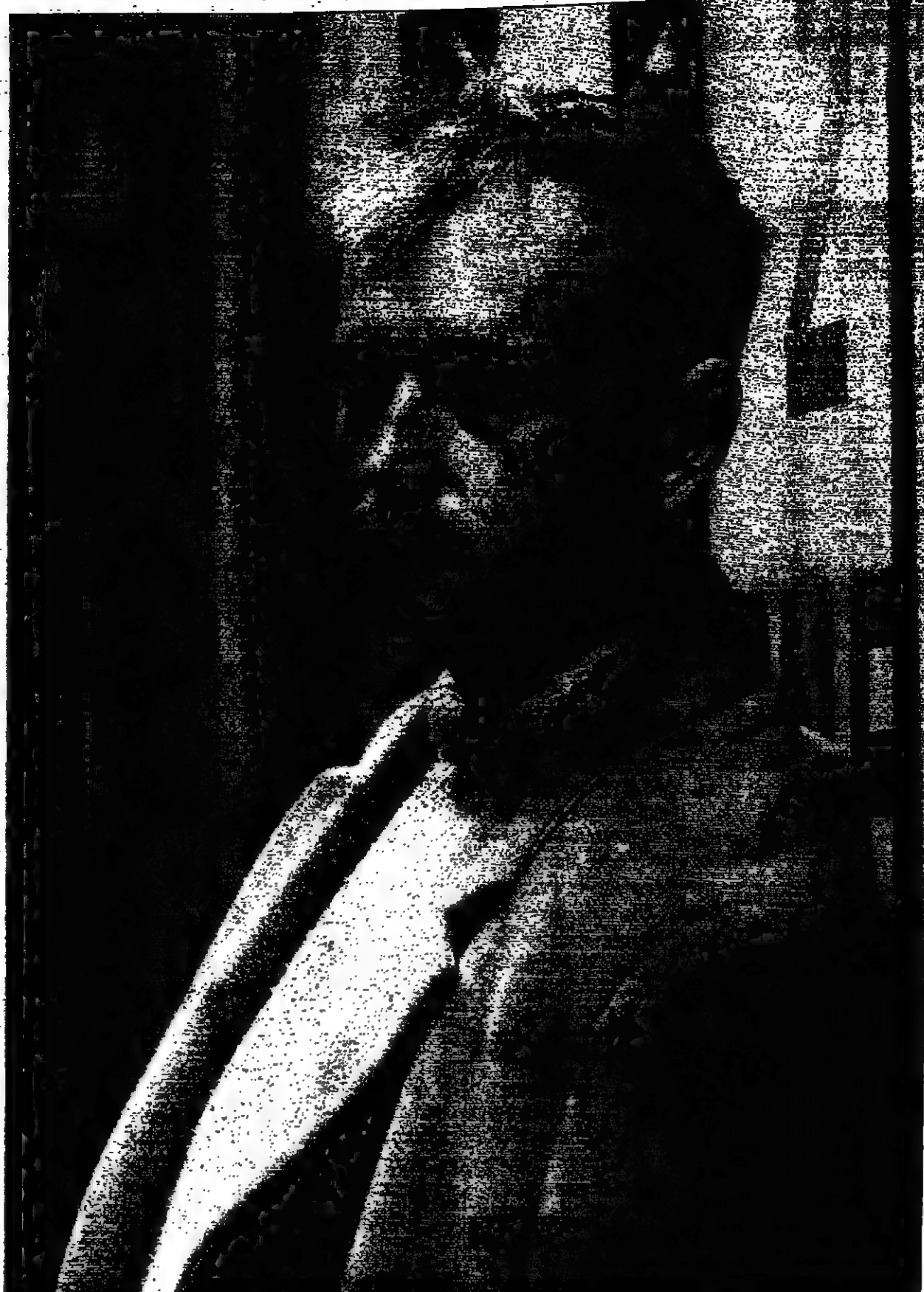
tion of that period which is so well-chronicled.' I felt the whole look of the movie had to be kind of invented in a sense, abstracted: an expression on the canvas" — hence the director's use both of Philip Glass as his composer and of his longstanding theatre designer, Stephen Brimmon Lewis, as production designer.

The film had its world premiere last May at Cannes, where the trade paper, *Variety*, faulted Mathias's cinema expertise (or lack of it). "People either loved the way I did it or took completely against it, which makes me wonder why I should have done it any differently," Mathias says. "Some people have said they've seen all this before. I'd like to know where."

Mathias's next directing effort, a hoped-for film of Coward's little-known *Quadrille* with a budget of just over twice that of *Bent*, looks to be no easier, for reasons that so far have seen four leading ladies (Uma Thurman and Nicole Kidman included) come and go. Cate Blanchett and Gwyneth Paltrow are more recent possibilities, even if Mathias says of the increasingly hot Paltrow, "I can't even get her to read it."

Luckily, the theatre remains a home, and Mathias speaks excitedly of a possible three-play repertory season on Broadway, where he won a Tony nomination for *Indiscretions* (the American title for *Les Parents Terribles*), and invitations from Britain to work at the Donmar Warehouse, the Almeida and the National.

As for those who have taken coolly to his film debut, Mathias, as ever, speaks his mind: "I'm very proud of my work on *Bent* and if what some people hope is that I should stay away from films, I just hope they stay away from my films."



Critical maulings of his filming of the stage hit *Bent* anger Sean Mathias: "I'm very proud of my work on it," he says

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ALBINO ALLIGATOR
Columbia TriStar, 18, 1996
THAT excellent actor Kevin Spacey becomes an interesting director with this inhuman, talk-filled drama about three criminals hiding out after a robbery in a forlorn watering hole called Dino's Last Chance Bar. Aside from Spacey's forceful handling, there is a notable cast to keep us absorbed. M. Emmett Walsh, as the bar's owner, soon lies dead, but there are still Matt Dillon, Faye Dunaway and Gary Sinise to ponder moral niceties, act flustered, foolish or brave, and explain the film's title (a billiards reference). Available to rent.

Spacey between the ears

DEEP CRIMSON
Tartan, 18, 1996
MEXICO'S leading director Arturo Ripstein, a master of moody melodrama, shows his strengths in this drama based on five same events that inspired the cult American movie *The Hunchback of Notre-Dame*. An overweight nurse and a seedy gigolo join hands to exploit, then murder, vulnerable widows and spinsters. This may not sound like much fun, but Ripstein's controlling hand and an exemplary cast headed by Daniel Gimenez-Cacho and

NEW ON VIDEO

Regina Orozco provide plenty of morbid amusement.

devoted servant, who strides proudly yet tenderly by his Queen's side, and whose unusually intimate friendship starts tongues wagging. A rental release.

MRS BROWN
Buena Vista, PG, 1997
JUDI DENCH received the Oscar nomination as Queen Victoria, doused in grief following Prince Albert's death, but the performance that hits you between the eyes is Billy Connolly's as her Scottish factotum, John Brown. No comic mannerisms infect this

in a new school, he faces violence again. Will he cave in? Or fight fire with fire? Who really cares? Available to rent.

RUTHLESS
Second Sight, PG, 1948
ONE critic described this flashback-ridden melodrama about the corrosive lust for money and power as "Citizen Kane in miniature". It certainly grabs the attention, and stands as one of the more sensible films of its director, Edgar G. Ulmer. Zachary Scott is ideally cast as the man who lets nothing and no one stand in his way.

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Barbara owns a London townhouse split into flats. She spends her off-duty hours in Roger Glossop's deliberately soulless living room, tidying up, listening to music, and not thinking of the boss with whom she once had a brief

over. That is certainly Hamish's worry, and it is not lessened when he is brusquely attacked by his new landlady for being a vegetarian and a Scot. But one of Ayckbourn's running jokes is that poor Hamish is invariably wrong about women. He has twigg'd that Nikk is sexually frigid and dependent — but he fails to see that Barbara's severity is a

She will always be a pretty bawky, spiky person. But there is something warmish and softish within the steely, wintry exterior — and, Asher unsentimentally contrives to suggest, that something is very like a heart.

Jane Asher as Barbara, the crusty, curmudgeonly spinster with hidden softness, and Steven Pacey as Hamish, her unlikely Scottish soulmate

COMEDY

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If you think of the Camino Real as Spanish, it is a royal road," but the English language turns it into the real road, or perhaps the realist's road, and the play's characters are therefore at a point of

JEREMY KINGSTON
s; Lenten sobriety

**Duke
Bluebeard's
Castle
Festival Hall**

The strength of casting ran from top to bottom: the granite-toned Icelandic bass Kristinn Sigmundsson in the short but crucial role of the

Any other niggles? The players were still feeling their way into the Barbican's acoustics, and maybe at tomorrow's repeat performance the brass will overwhelm the strings less often. And it was odd to have so much spoken dialogue in a concert version. This would have been the ideal opportunity to air the recitatives Berlioz wrote for performers in Paris. Never mind, I am profoundly grateful for what we were given.

RODNEY MILNES

OPERA

John Higgins

These arias are shortly followed by an account of *The Last Rose of Summer* (from *Martha*) which is a bloom well worth savouring for its perfume and exquisite shape. But then the disc loses all direction. Slices of Korngold and Orff have Fleming holding on to the notes and caressing them a bit too long. Sentimentality creeps in, abetted by Jeffrey Tate's determination to linger over every

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sions of destruction to life light, high cries of the wounded. Subtle increases in tension occur only at the sight of the enemy entering the sanctuary, and in the plea of "Jerusalem, return to the Lord thy God". The three Lamentation groups are separated by the bright, supple contours of Spanish plañchante versions of the hymns *Vexilla regis* and *Pange lingua*, all tapered sensitively in and out of existence in this fine recording made in the near-perfect acoustic of St Jude's, Hampstead.

★ Worth hearing
★★ Worth considering
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Roy Foster is guided through the maze of Irish history by a knowledgeable and entertaining companion

For Ireland, here is a friend indeed

Driving through Dublin's Merrion Square — built in 1762 — last year, a taxi-driver told me that the bricks for Georgian Dublin were imported by the ruthless British Government in exchange for "potato exports" during the Great Famine (c.1846-49). The interesting job of being an Irish historian is made both more stimulating and more difficult by the aggressive interest which the subject arouses in the wider world. This is highlighted by the old industry of "heritage" and the new one of "commemoration". Issues like the 1916 Rising and the Famine are colonised, publicised and simplified by strange alliances of politicians, rock stars, newspaper columnists and refugees from university departments of English or sociology, pleading at various levels of commitment and sanctimony.

Most recently commemorating the Rising of 1798 has been advanced as a "space" which "the Irish people" can "occupy" with "maximum inclusivity, pluralism, and whatever other buzzwords are going: time-travelling back to the "site" where 30,000 people were slaughtered for an irreparable mixture of motives is marketed with feel-good clap-happiness and commercial potential. Truly we need a "companion" to Irish history not only for the

general reader, but for the beleaguered academic as well. Well, here it is. Sean Connolly decisively opts for concepts and processes at least as much as personalities and events. In this, the approach reflects some of the best of recent Irish history, though the compression of the entries imposes inevitable simplification (one contributor complained disconsolately of being confined to the "halcyon" form). Thus the real pleasure of reading this book is to do with concepts and conjunctions. Jews follow hard upon Jesuits, and get a longer entry.

The romantic revolutionary T. F. Meagher shares a page with meat-processing. Abortion precedes absenteeism, and Celsus jostle with censorship. "Old Light" and "New Light" Presbyterians are decoded as intensively as the "devotional revolution" in Irish Roman Catholicism.

To a modernist like this reviewer, whose undergraduate study of Irish constitutional history was beset with dragons, the medieval-legal entries (largely by Robin Frame) seem exemplary. There are also marvellously wide-ranging commentaries

on particular Irish families, not only Gaelic lords (O'Neills), Hibernicised invaders (Fitzgeralds) and 17th-century planters (Boyles), but also 19th-century Quaker entrepreneurs (Malcolms): the decision to exclude living persons means, alas, that we must wait for further editions to read about the post-revolutionary political dynasties in the detail they deserve. Many general entries such as music and urbanisation constitute enlightening short essays in themselves. Even an oddly random entry on socialism is partly redeemed by a good punch-

THE OXFORD COMPANION TO IRISH HISTORY
Edited by S. J. Connolly
OUP, £25
ISBN 0 19 211695 9

line: "in the world-wide retreat from socialism in the 1990s, Ireland has had a lot less distance to travel than most countries".

The contributors' range is wide and their approaches vary. The editors' own expertise in 18th and early 19th century social history is evident in a number of brisk and rather deflationary entries (see, for instance, "mass-roots"). Elsewhere, experts in other fields make their contributions a base for the odd well-aimed mini-Scaud: Robin Frame uses "Normans" to dismiss the utility of the term

for Irish history, thus rendering generations of textbook titles obsolete at a stroke, and Alvin Jackson's inscription on Carson's reputation is lapidary: "The integrity and ambiguity of his thought reveal his Gladstonian origins". Nor are forward-reaching opinions forbidden: Neal Garnham's entry on the Ulster trade unionist Harry Midgeley ends bleakly: "His career highlights the innate sectarianism of Northern Ireland politics, and the dominance of the constitutional issue." No clap-happiness there.

In his introduction the editor remarks, with contempt: "there are no prizes for detecting regrettable omissions in what follows; the real test... is whether what has been included is self-evidently of less importance than what has been left out." This hostage to fortune is by and large redeemed. The point that it is neither a DNB for Ireland (already in the making) or a *Companion to Irish Literature* (already in existence) is well made.

Thus many Irish writers are excluded, unless their role is "historical": no Flann O'Brien or Samuel Beckett, and the only Wilde is William, though "Speranza" surely merits a mention for her historical importance as rebel poet. And is poor Percy Jocelyn, a Church of Ireland



Shipyard Workers Crossing the Queen's Bridge, Belfast by William Connor; from *Three Hundred Years of Irish Watercolours and Drawings* (Phoenix, £14.99)

bishop found in flagrante with a soldier in 1822, more important to Irish history than the unmentioned August Gregory? Does the Dolmen Press deserve inclusion rather than the Dun Emer enterprises? Art history is sold very short: Barry Maclellan, JB and Jack Yeats, Lavery, O'Connor, the Hones, Jellett, Henry and a host of other significant painters are out. Nor is there an entry on furniture, a distinctive Irish achievement from cottage to Big House (as the new National Museum at Collins Barracks in Dublin makes vividly clear). And the decision to include persons for their "historical importance" brings in an odd selection of historians while excluding

some of the most influential. But there will be many editions with many additions. These might also standardise the use of reading suggestions after entries, which is inconsistent, and clearly some cross-referenced entries, which stand slightly at odds. The general standard of accuracy is very high, the variety extremely impressive, the readability to interrogate. *Ideas reçues* never less than bracing. There is no separate entry on the overdone subject of historical revisionism, which has been more of interest to journalists and polemicists than to professionalists, but in his entry on history and historians the editor places a well-judged shaft: "At

its best the campaign against 'revisionism' has encouraged a healthy revival of debate on important issues of interpretation." At its worst it has provided a bogus mantle of radicalism for what is in fact the refurbishment of traditional myths and preconceptions.

The same is true for many generalisers and commentators. Too often, Irish history — like the process of law — is thought to demand a crude and brutal judgment, dependent on over-simplification. This book stands as a judicious and authoritative intervention on the other side: profitable — indeed, invaluable — to academics and taxi-drivers alike.

Mad about the girl

Crazy or creative?

Janet

Frame was

sane and

sectioned,

says Jeanette

Winterson

Janet Frame's life and work became known to a wide audience when Jane Campion released her feature film, *An Angel at My Table*, based on the second volume of Frame's autobiography. This is the period of Frame's life, in her twenties, when she was in and out of mental hospitals in her native New Zealand, fighting for an identity and trying to be a writer.

She was born in 1924 in Dunedin where her father was a railwayman. The family was poor but proud. They paid their way and sent their children to school, where it soon became apparent that Janet was "the clever one". She won a scholarship to teacher train-

JANET FRAME
The Complete Autobiography
Women's Press, £20
ISBN 0 704 38072 6

ing college, where she was a model pupil, all the while working at her own writing and succeeding in having a short story published in *The Listener* in England in 1945 when she was 21.

It is not altogether clear what started to go wrong in her head: the blurriness, the panic, the depressions. She was admitted to a psychiatric ward, where three weeks later she was discharged as having nothing wrong with her. She refused to leave and began screaming at her mother who had come to take her home. That was enough for the authorities: they transferred her to a mental hospital and she was officially declared insane.

What follows is a strange story of misunderstanding and collusion. Frame got out, held down various menial jobs that gave her money and time to write and completed her first book: *The Lagoon and Other Stories*. It was published in New Zealand by the Caxton Press, but by that time Frame had readmitted herself to hospital, stayed beyond the voluntary period and once more been committed. She was having ECT treatment and was due for a leucotomy. It is certain she would have died a zombie had *The Lagoon* not won a literary prize.

The superintendent of the hospital saw the announcement in the paper and decided it would be better if his patient were discharged, "on probation". So Janet Frame began



Kerry Fox in Jane Campion's film, *An Angel at My Table*, based on the second volume of Frame's autobiography

another round of menial jobs and writing.

If the prize saved her life, a fellow writer, Frank Sargeson, restored her sanity. He arranged for her to collect a disability allowance of £3 a week and let her live in an old army hut at the bottom of his garden. There, with a kerosene lamp and a radiogram, she got on with her work. Her efforts won her a travel scholarship of £300, and in 1956 with two suitcases and a green knapsack, she began the 32-day voyage by sea to Britain.

The feel and the smell of 1950s Britain is very well done. This was the Britain of single-room occupation in boarding houses; the shared cold tap on the landing, the electric ring fed off a slot-meter, the overhead bulb, the whiff of damp. Heated corned beef waiting down the linoleum corridors. Here is the Peek Frean biscuit factory and the man from the National Assistance. Here too are the lonely lives bordering on the desperate, hoping for a bit of luck, a bit of romance, something to dry out the damp.

Frame travelled on to Paris, where she lost her luggage; to Ibiza where she lost her virginity, and to Andorra, where her

bad Spanish and good heart nearly married her to a local boy with a blue and white racing bike that he polished but never rode.

On her return to London she decided to admit herself to the Maudsley Hospital to undergo tests which would determine whether or not she really was schizophrenic. She was not. She never had been.

It is here that I locate my unease. Janet Frame's inner turmoil as a young woman, her difficulties in the world, the gap between what she was and what she wanted to be, were real. Her madness was not real.

She was labelled by others but she colluded in that labelling and she used it, under pressure, as a way out. Even after the doctors at the Maudsley had concluded that there was nothing mentally or medically wrong with her, she continued in their care for a long time, and as she herself admits, whenever they were about to end the consultations, she manifested an emergency.

This desired connection between madness and creativity is dangerous. It is especially dangerous for women, whose differentness or non-conformity has often been shelved

under mental illness. Society is fascinated by the idea of the mad artist — witness the world-wide appeal of David Helfgott's story in *Shine* — and madness is a useful explanation for gifts that no one really understands, and that makes many uneasy.

It is true that artists are strung differently to other instruments. It is true that they are highly strung. It is not true that madness and creativity are so gutted together in the individual that if you sound one you risk vibrating the other. It seems odd to me that the centre of Janet Frame's autobiography is her madness, which does not exist, rather than her work, which does. There is much in these collected three volumes to enjoy and to ponder over.

The writing is intimate, unforced, with a pleasure in remembering and a love of detail that turns the private world into the reader's world. This is the book's success, and keeps us curious to know what will happen to the New Zealand girl, with her typewriter in her knapsack, searching for her identity through a blank page.

How to pull like G force

Jane Shilling

LEAVING EARTH

By Helen Humphreys

Bloomsbury, £12.99

ISBN 0 7475 3723 3

ONE HAND CLAPPING

By Lise Leroux

Viking, £9.99

ISBN 0 8203 2621 2

For a young woman thinking of writing a first novel, a move to Canada might be an option worth considering. Out of that country has come, in recent years, a steady flow of excellent fiction, much of it by women.

First novels by Canadians Helen Humphreys and Lise Leroux illustrate the phenomenon perfectly. As different as two novels could be — Humphreys's *Leaving Earth* is brief, constructed with a jeweller's precision and looks back to the great age of pioneer women plots; Leroux's *One Hand Clapping* is an ambitious family — even, it is written with self-confidence and imaginative force.

Leaving Earth was inspired by a flight made by two American women, Frances Harrell Marsalis and Helen Richey, who set an endurance record by remaining in the air over Miami for ten days in December 1933. Humphreys's heroine, Grace O'Gorman, is an aviatrix in the grand manner — red hair, scarlet lipstick, polished boots, immaculate jodhpurs — Air Ace Grace, an icon of glamour and energy to a nation reeling in the Depression and the idol of airstruck young women. Two of these, 23-year-old Willa Briggs and 12-year-old Maddy Stewart, are drawn into the drama of Grace's attempt to beat her own husband's 18-day endurance record: Willa in the air, as a pilot; Maddy on the ground, watching as Grace's Moth circles above Toronto Harbour before finally plunging back to earth.

It is hard to imagine that the fluid alchemy of flight — the rushing air, the drowning engine, the sense of detachment from ground and gravity —

could be pinned on the printed page. But that is what Humphreys has done. The intuitive bond that grows between the pilots: the wordless longing of Maddy's sky-torn gaze, all expressed with aerobic economy and grace.

Economy and grace are not, precisely, the adjective evoked by Lise Leroux's *One Hand Clapping*. Quirky, grotesque, even perverse are more like it. But then, what do you expect from a novel about love, loss and genetic engineering, which is dedicated to a mouse? Leroux's heroine, Marina, finds human contact difficult. It is a problem that she shares with every other character in the book whose range of eccentricities extends a rare tribute. It was condemned by the judge as "calculated to be offensive and to increase the hurt to the Prime Minister's feelings", and the damages were increased accordingly.

The book is a joyous catalogue of David against the Goliath of the State — sometimes David pulls it off, and the trial judge is left with his mouth open wondering why the jury did not convict as he had suggested. It is essential reading for anyone who wants to know what the independence of the Bar really means, and it is written by someone who knows.

Parting lines of a divine dandy

Robert Nye

A GIFT IMPRISONED

The Poetic Life of Matthew Arnold

By Ian Hamilton

Bloomsbury, £18.99

ISBN 0 7475 3871 6

IN 1848, hiking in the Swiss Alps, a young English poet met and fell in love with a woman he called Marguerite. All that we know about her is what his poems tell us: that she was French, and had blue eyes, and a pale face, and bound her hair with a kerchief.

Some personal inhibition seems to have ended the affair, although the poet saw it in terms of renouncing happiness for duty. For whatever reason, it was soon over: "A God, a God their severance ruled! And bade betwixt their shores to be! The unplumbed, salt, estranging sea."

The memorable conclusion has deflected attention from the God bit. Might Marguerite have been a Roman Catholic? That would have proved sufficient impediment for Matthew Arnold.

Ian Hamilton's *A Gift Imprisoned: The Poetic Life of Matthew Arnold* sees the Marguerite affair as central to his subject. At the same time, he does not sentimentalise it, and even wonders if Marguerite

decades of drudgery as an inspector of schools and high priest of Victorian criticism. He died of a heart attack after running to jump a gate and greet his daughter just back from America — a last spurt of poetry?

Hamilton does not tell the gate-jumping story, but he can be excused because he is concentrating on the early Arnold. He offers a sympathetic account of his man's character, and even succeeds in imparting narrative interest by events. I did not know, for instance, that young Arnold was such a dithering dandy that Charlotte Brontë dismissed him as "foppish and insincere". Nor that he was called "Crab" by his father because of the way that he walked — a cruel nickname, seeing that he had to wear leg-irons as a baby.

Where this becomes a necessary book is in its reading of Arnold's poems. Hamilton (a good if rather tongue-tied poet himself) is sensitive regarding the poetry-versus-duty con-

dict, but he is even better on the actual substance of the verse, pointing out "exactly how much of Arnold's work consists of poems about how to be a poet. He might have made more of the psychological significance of the fact that the most powerful of Arnold's later poems, *Sohrab and Rustum*, turns on the killing of a son by a venerated father."

For all that he is in his own description "three parts iced over" by the age of 30, Arnold seems now one of the most human of the eminent Victorians. His best lines have a quality of sounding, like thoughts spoken aloud. Noting that Hamilton praises his "distressed and unaffected eloquence". Not everyone has been so convinced. Tennyson once rejected his wife's suggestion that Arnold should be invited to dinner with the grumble that he "didn't much like dining with gods".

Robert Nye's novel, *The Late Mr Shakespeare*, is published next month by Chatto & Windus.

Court in the action

Anthony Scriven

THE JUSTICE GAME

By Geoffrey Robertson

Chatto & Windus, £20

ISBN 0 7011 6368 8

Geoffrey Robertson was for Pottle and I was for Randall. It was the sort of case Geoffrey enjoyed. They were pacifists who, 20 years ago, had assisted the spy Blake to escape. They wrote a book about it and were now being prosecuted. We were trying to have the case stayed because of the delay. We were up against it. The judge had been a colonel in the SAS and now we were before Tasker Watkins, LJ, who had the V.C.

In the middle of his submissions Geoffrey whispered: "I've got a problem. I'm supposed to get married at 2 pm. Do you want to stand in for me here? I opted for the ladies. I thought this would be easier to explain to my wife. This is an example of Geoffrey in action: life in the fast track."

This is not Geoffrey's memoirs, although the book does chart the course from being a Rhodes Scholar reading *The Times* at Oxford to becoming a major threat to the establishment by his involvement with cases considered sexually shocking at the time. He forged an unholy alliance with



Robertson: unrigged

John Mortimer, who led the attack for the freedom of expression for all things allegedly obscene.

Geoffrey was there in the exciting front line of all this: when Jeremy Hutchinson, QC, cross-examined Mary Whitehouse's solicitor, who claimed to have seen the tip of the third soldier's erect penis during a performance of *The Romans in Britain*.

"You sat in the back row! The cheapest seat in the house — you go to the theatre, knowing your task is to collect evidence for a very serious prosecution... on a very nasty charge and you sit in the back row!" Geoffrey Robertson has acted for the oppressed and his successful application for withheld documents in the Matrix Churchill case almost brought down the Government.

His cross-examination of the then Prime Minister of Singapore elicited a rare tribute. It was condemned by the judge as "calculated to be offensive and to increase the hurt to the Prime Minister's feelings", and the damages were increased accordingly.

The book is a joyous catalogue of David against the Goliath of the State — sometimes David pulls it off, and the trial judge is left with his mouth open wondering why the jury did not convict as he had suggested. It is essential reading for anyone who wants to know what the independence of the Bar really means, and it is written by someone who knows.



Illness no bar to right to return to work

Cress v Royal London Mutual Insurance Society Ltd
Greaves v Kwik Save Stores Ltd

Before Lord Woolf, Master of the Rolls, Lord Justice Aldous and Lord Justice Mummery
[Judgment February 27]

An employee on extended maternity leave from work did not lose her statutory right to return to work if, as a result of temporary illness, she was unable to work on the notified day of return to work.

The Court of Appeal so held in a reserved judgment allowing appeals against decisions of the Employment Appeal Tribunal (EAT) on September 28, 1996 that Mrs Heather Cress had not been unfairly dismissed by her employer, Royal London Mutual Insurance Society Ltd (RLMIS), and (ii) on January 14, 1997 that Mrs Janet Greaves had not been unfairly dismissed by her employer, Kwik Save Stores Ltd (Kwik Save).

At the end of maternity leave the employees took extended maternity leave from work. However, due to temporary illness, they were physically unable to work on the notified day of return to work. The employees had not exercised the right to return to work; that the contract of employment had come to an end; and that there had been no dismissal giving rise to a claim for unfair dismissal.

Ms Laura Cox, QC and Mr Dominic Brown for Mrs Cress and Mrs Greaves; Miss Elizabeth Slade, QC and Mr Peter Oldham for Royal London; Mr David Richardson for Kwik Save.

THE MASTER OF THE ROLLS, giving the judgment of the court, said that the employees qualified for the right to return to work under section 39 of the Employment Protection (Consolidation) Act 1978, as substituted by section 23 of the Trade Union Reform and Employment Rights Act 1993. They had given all the necessary notice.

However, to benefit from the right to return to work they had to exercise that right. The provisions relating to the exercise of the right to return to work in section 42 of the 1978 Act did not expressly require an actual presence at work on the notified day of return, for the exercise of the right to be

complete and effective. They did not expressly state that the right would be terminated, divested or avoided by the employee's non-attendance at work. That was not surprising because an employee might not have a specified place of work to return to; she might work from home or might have notified a day for return when it was physically not possible to do so, for example during a period when a factory was closed for the annual holiday.

In the ordinary way, no doubt, an employee should be ready and willing to work on the notified day of return, if she had no legitimate excuse for not doing so. In order to avoid the risk of dismissal for absence from work and for being unavailable to perform work in accordance with express or implied contractual obligations.

Section 42(1) set out precisely what was required of an employee in order to exercise her right to return to work: "An employee shall exercise the right to return to work under section 39 by giving written notice to the employer."

Accordingly, the employees had exercised the right to return to work by giving written notice to their employers in accordance with section 42(1). Nothing more was required to be done for the right to be exercised.

The only reason given by the employers for not permitting Mrs Greaves and Mrs Cress to return to work was that they had not effectively exercised the right to return to work. They had been physically unable to attend on the notified day of return.

The reason why they had not physically attended on the notified day of return was by reason of temporary sickness, which would, in the ordinary way, constitute a valid reason for absence and would not constitute a fair reason for immediate dismissal. But the failure to attend to work on that day did not mean that they had not exercised the right to return to work. The critical point was that the process of exercising the right to return to work was complete before the notified date of return actually arrived. It was complete once appropriate notice had been given for the notified day of return.

That day might be subject to

postponement and extensions in accordance with the statutory provisions. The machinery for postponements and extensions neither expressly nor impliedly required the employee to exercise the right by presence at the workplace to perform her work on the day originally notified or as postponed.

The result of the application of section 42 was that both Mrs Greaves and Mrs Cress had to be treated as dismissed for the reason that the employer had failed to permit them to return to work.

The contrary construction contended for by the employers produced results so absurd and unjust that it could not have been a part of the scheme of protection for female employees to allow an employer to do what was done in these cases without incurring liability.

It would mean that a woman employee who had given written notice under section 42(1) lost her right to return to work if she was unable to return physically to her work on the notified day of return because she had been run over by the managing director of an employer company on her way to work that morning or because there had been a natural disaster, such as a flood or a blizzard, which prevented her from attending work, even if she were physically well enough.

Kelly v Liverpool Maritime Terminal Ltd (1998) 1 RLR 310 did not bind the court to accept the employers' contentions on construction. The court in that case had focused on implied contractual provisions and did not address the points arising on the exercise of the right to return to work by the giving of written notice or on deemed dismissal arising from sections 55 and 56.

The court's approach avoided the conclusion that the scheme set by Parliament for the protection of female employees produced a situation in which an employer could take advantage of the temporary illness of a female employee on the notified day of return to deny her the statutory right to return to work and to deny her the right to claim that she had been unfairly dismissed in not being permitted to return to work.

Solicitors: Thompsons, Bloomsbury; Mr Murray Ross, Middlebrough; Bullivant Jones & Co, Liverpool.

Hammersmith and Fulham London Borough Council v Jesuthasan

Before Lord Justice Butler-Sloss, Lord Justice Swinton Thomas and Lord Justice Mummery
[Judgment February 26]

A male part-time worker employed in the public sector was just as entitled as a woman in the corresponding position to claim a redundancy payment and compensation for unfair dismissal in respect of a dismissal occurring before the Employment Protection (Consolidation) Act 1978 was amended by the Employment Protection (Part-time Workers) Regulations (SI 1995 No 31).

The Court of Appeal so held in a reserved judgment in allowing an interlocutory appeal brought by the employee, Vasthiampillai Joseph Jesuthasan, against the decision of the Employment Appeal Tribunal (EAT) on September 28, 1996 that a male part-time worker employed in the public sector was entitled to claim a redundancy payment and compensation for unfair dismissal in respect of a dismissal occurring before the 1978 Act was amended by the 1995 Regulations.

It was common ground that if the employee had been a female part-time worker in the public sector, those claims could have been made in reliance on the EOC case.

The starting point and in his Lordship's judgment, finishing point, was the preliminary paragraph in the speech of Lord Keith of Kinkaid (at p 31) where he set out the declarations granted by the House of Lords on the successful application of the Equal Opportunities Commission (EOC) for judicial review of the 1978 Act.

Those provisions limited the

former employer contended. The application to amend the original application to include claims for unfair dismissal and redundancy payment did not allege any fresh facts. The hearing of the race discrimination complaint which had already been fixed was converted to a substantive hearing into a preliminary hearing on the issue of jurisdiction which arose from the application to amend.

Both the Industrial Tribunal and Employment Appeal Tribunal decided the case on the basis of arguments presented to them which it was now accepted had no bearing on the amendment issue.

The crucial point, which emerged for the first time on the appeal, was whether, in consequence of the House of Lords decision in *Equal Opportunities Commission v Secretary of State for Employment, Ex parte Equal Opportunities Commission and Another* (1995) 1 AC 1, a male part-time worker employed in the public sector was entitled to claim a redundancy payment and compensation for unfair dismissal in respect of a dismissal occurring before the 1978 Act was amended by the 1995 Regulations.

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right to a redundancy payment and protection against unfair dismissal to employees who were able to satisfy the qualifying periods for entitlement, namely two years of continuous employment for employees who worked for 16 or more hours a week and five years of continuous employment for employees who worked between 8 and 16 hours a week.

The House of Lords held that those provisions were incompatible with European Community law, because the basis of those declarations was that the qualifying periods in the 1978 Act were incompatible with European Community law by reason of indirect discrimination against women since more women than men were part-time workers.

However, he contended, since there were fewer men than women in part-time work, it was not open to the employee to complain that he had been indirectly discriminated against on the ground of sex.

His Lordship was unable to accept those submissions. They involved a fundamental confusion of

the general propositions of law declared in the EOC case, that is, that specified legislative measures enacted in the 1978 Act in respect of employees generally, regardless of their sex, were incompatible with European Community law, and account of their discriminatory effects and were disapplied in respect of all employees, regardless of sex; and

the nature of the particular complaint of the employee. He did not complain of sex discrimination. His claims were for unfair dismissal and redundancy pay under the 1978 Act, subject to the disapplication of qualifying provisions declared in the EOC case to be incompatible with European Community law.

The result was judicial disapplication, in conformity with directions in the European Communities Act 1972, of objectively unjustified provisions put in the way of domestic law claims.

The employer as an emanation

of the state was bound by the direct effect of the relevant Directives, as well as article 119 of the EEC Treaty (now 179-11). It was not entitled to rely on provisions of domestic law, judicially declared to be incompatible with European Community law, to defeat a claim against it which the employee was entitled to make at the time of his dismissal.

He was entitled to make that claim when he was dismissed, as the qualifying conditions in the 1978 Act were displaced by the paramount force of European Community law. The fact that they were displaced because they indirectly discriminated against women was not relevant to the employee's claim for redundancy and unfair dismissal.

He was not contending that the provisions directly or indirectly discriminated against men generally or that he, as an individual employee, had been discriminated against as a man.

Further, as submitted by Mr Langstaff in his skeleton argument: "The corollary of a provision which discriminates against women, such that it has to be disapplied at the suit of any woman, is that it must necessarily be disapplied in the case of a man; otherwise, a requirement or condition would exist and be applied in the case of a man which would not lawfully be applied in the case of a woman."

The appeal would be allowed and the order of the industrial tribunal restored.

Lord Justice Swinton Thomas and Lord Justice Butler-Sloss agreed.

Solicitors: Mr Neil Pross, Hammersmith; Ms Karen Tickner, Hammersmith.

Master has discretion to decide route of vessel

Whistler International Ltd v Kawasaki Kisen Kaisha Ltd v Kawasaki Kisen Kaisha Ltd v Tokai Shipping Co Ltd of Tokyo

Before Mr Justice Clarke
[Judgment February 20]

Orders given as to the route a vessel was to take to reach a port of destination were orders as to navigation, not employment. As such it was a matter for the master to decide on behalf of the owners, not for the charterers.

Mr Justice Clarke so held in the Admiralty Court of the Queen's Bench Division in a judgment for the charterers in a dispute over the route a vessel was to take to reach a port of destination.

The vessel was time chartered to Kawasaki Kisen Kaisha Ltd for 11/15 months. The charterparty was a time charterparty. The charterers were Whistler International Ltd and its subsidiary, Whistler Shipping Co Ltd. The charterparty was amended by a charterparty addendum which provided that the vessel was to follow the route specified in the charterparty.

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Tax arrangement should not diminish loss of earnings

Ward v Newalls Insurance Co Ltd

Before Lord Justice Butler-Sloss, Lord Justice Henry and Lord Justice Potter
[Judgment February 19]

When assessing damages for loss of earnings by a partner in a business, the court should look at the realistic position regarding his contribution to the business and should make no reduction on account of his having made his wife a sleeping partner in the business being paid, for tax purposes, half his share of the profits when the arrangement was terminable at will.

The Court of Appeal so held in allowing an appeal by the plaintiff, Bryan Ward, against an award of damages made by Judge Fickler, QC, sitting as a High Court Judge against the defendant, Newalls Insurance Co Ltd and Cape Contracts Ltd, for a progressive lung disease contracted when the plaintiff was exposed to asbestos while employed by the defendants.

Mr Dan Brennan, QC and Mr Andrew Spink for Mr Ward; Mr Stephen Fowler, QC for Newalls.

LORD JUSTICE HENRY, giving the judgment of the court, said

Evidence of identity was flawed

Regina v Mattan
Although the conduct of a murder trial was in conformity with the law and practice in 1952 there were respects in which the identification evidence was flawed.

The Court of Appeal, Criminal Division (Lord Justice Rose, Mr Justice Hoffman and Mr Justice Penny-Davey) so held on February 24, on a reference by the Criminal Cases Review Commission, when quashing the conviction of Mahmood Hussein Mattan who, following his conviction at Glamorgan Summer Assize of murder (Mr Justice Ormrod and a jury) was hanged in Cardiff Prison on September 8, 1952.

Mr Justice Sullivan said that once the purported identification of Mr Mattan by a key witness was demonstrably flawed, as it was, the case collapsed and the conviction had to be regarded as unsafe.

It was a matter for very profound regret that it had taken 46 years for the conviction to be shown to be unsafe.

The case had a wider significance in that it clearly demonstrated five matters:

1 Capital punishment was not appropriate punishment for a criminal justice system which was human and therefore inhuman.

2 In important respects criminal

law and practice had, since that trial, undergone major changes for the better.

The Criminal Cases Review Commission was a necessary and welcome body, without its work, the injustice in the instant case might never have been identified.

4 No one associated with the criminal justice system could afford to be complacent.

5 Injustice of the present kind could only be avoided if all concerned in the investigation of crime and the preparation and presentation of criminal prosecutions observed the very highest standards of integrity, conscientiousness and professionalism.

Subsequently central government agreed to support the third Midway crossing, by way of a tunnel, in the mid-1980s so as to relieve traffic congestion in the Midway towns and to encourage the economic regeneration of that part of Kent following the closure of the Chatham Royal Naval Base in 1984.

At the time it had appeared that government funding would not be available so the plaintiff city council agreed to make annual contributions towards the costs incurred by Kent under a lease agreement for the main agreement, and under section 274 of the 1980 Act, to make two advance

lump sum payments totalling approximately £2 million towards existing highway schemes in the area on the basis that, in return for such payments, its annual contributions under the main agreement would be reduced; the purpose of that was to avoid government-imposed forward-funding restrictions.

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Court of Appeal

Law Report March 5 1998

Court of Appeal

No immunity over child risk register

S v Newham London Borough Council

Before Lord Woolf, Master of the Rolls, Lord Justice Bingham and Lord Justice Chadwick
[Judgment February 24]

A local authority was not immune from being sued for libel in respect of information it provided to the Department of Health for inclusion in an index of persons unsuitable to be employed to work with children.

The Court of Appeal so held in a reserved judgment dismissing an appeal by the defendant, Newham London Borough Council, against the decision of Mr Justice Phipps in the Queen's Bench Division on October 3, 1997 on the trial of a preliminary issue that the libel claim of the plaintiff, by order of the court, identified as "S", a social worker employed by the authority, was not contrary to the public interest such that it was precluded at law and from which the authority was immune from suit.

In 1996 the authority sent a letter to the Department of Health's Consultancy Service containing information about S for possible inclusion on the index of persons unsuitable to be employed in work involving children, pursuant to Department of Health Circular No LAC (93)17, Protection of Children. S sought damages for defamation based on the contents of the letter.

Mr Geoffrey Shaw, QC and Mr Harvey Starte for the authority;

Mr Simeon Thrower and Mr Rashpal Mondair for S.

THE MASTER OF THE ROLLS, giving the judgment of the court, said that the importance of safeguarding children from harm of the type against which the index could not be exaggerated. There was a public interest which could qualify for protection if that was necessary and appropriate.

However, their Lordships found it difficult to accept that a local authority under the statutory duties to which it was subject would be deterred from providing the appropriate information to the service by the threat of litigation.

Although there would be employees who, if they were identified, would seek to bring defamation proceedings, the occasions on which they would have any prospect of success must be rare. There was no dispute that qualified privilege would be available in any event and so in order to succeed, malice would have to be established on the part of the body responsible for the publication. Situations where the necessary malice could be established were likely to be rare.

The authority contended that it was not concerned so much with the risk of an action succeeding, but with the expense and hassle which it would be caused by an action even when the action was unsuccessful.

Today that danger could and should be substantially reduced by

court management of litigation.

Where it appeared doubtful that a plaintiff was going to be able to satisfy the onus which was upon him to prove malice, the court, mindful of the position of the defendant, should be prepared to require the plaintiff to deliver witness statements at an early stage of the proceedings so that the court could form an assessment as to whether the plaintiff had any prospect of successfully establishing malice.

If the court was satisfied that the plaintiff had no prospect of success and was also satisfied there was no other reason why the action should be allowed to proceed then the action should be dismissed.

Where the position was clear, the court could be expected to be robust. After all the courts regularly gave judgment under Order 14 of the Rules of the Supreme Court for the plaintiff where there was no defence and they should, especially in a case of this nature, be equally ready to give judgment for the defendant if the plaintiff had no prospect of success.

When considering whether an action should be dismissed, it was important that the court bore in mind that it was malice on the part of the publisher of the report to the index which had to be established in order to defeat the publisher's qualified privilege. Malice on the part of the informant, from whom the publisher had received the complaint which had led to the action, was likely to be irrelevant.

The risk to the public interest in having an effective index damaged if actions for defamation or negligence could be brought against those who supplied information to the service was fairly remote.

If immunity of suit was to be extended to the present situation, then to provide effective protection it would also have to extend to the information provided to the authority which was the cause of the initial investigation by the authority.

It would also be necessary to protect the reference which the authority would be required to provide to those who sought information as a result of the entry on the index.

The fact that the scope of protection would need to be enlarged in that way was relevant in deciding whether protection should be extended. The wider the protection required the greater should be the caution before granting immunity from suit.

In determining whether it was necessary and appropriate to extend immunity of suit to the authority, the advantage of protecting the integrity of the index had to be weighed against the disadvantage that would cause to S.

It was obvious that having his name placed upon the index had serious repercussions for the individual concerned. If the individual's conduct justified that being done, then the existence of the index meant that his interests must give way to those of the children

the index was designed to protect.

For the purposes of the present appeal, the court had to assume that S's contentions were correct, and the allegations which were made against him were not only untrue but were made maliciously. If that was the position, then justice required that S should be able to establish his innocence.

The practical consequence to S of his name being on the index was that he would not be able to work in his chosen occupation. As S had remained employed by the authority, he could not establish his innocence by bringing an action for unfair dismissal, but even if he could, if the authority were entitled to immunity from proceedings for libel, it was arguable that the position should be the same in relation to an action for unfair dismissal.

The situation was, therefore, one in which the effect of granting an immunity from suit to the authority would be a substantial infringement of the public interest in S having access to the courts. That infringement was greater than was justified by the insignificant risk of the effectiveness of the index being impaired by an action for defamation.

It followed, therefore, that the authority had not established that it was necessary to protect the index by providing immunity from suit.

Solicitors: Barlow Lyde & Gilbert, Solicitors.

Minister entitled to tell council to re-tender

Regina v Secretary of State for the Environment, Ex parte Bury Metropolitan Borough Council

Before Lord Justice Millett, Lord Justice Auld and Lord Justice Schiemann

[Judgment February 26]
Article 36 of Council Directive 92/50/EEC (OJ 1992 L209/1) on the coordination of procedures for the award of public service contracts, did not confer upon a contracting authority rights which were directly enforceable against the Secretary of State for the Environment, but circumscribed the authority's freedom to award public service contracts.

Accordingly, a direction issued by the secretary of state under section 14 of the Local Government Act 1988, as amended, and section 198 of the Local Government Planning and Land Act 1980, as amended, requiring a local authority to re-tender a contract was not issued in derogation of any rights of the local authority guaranteed by European Community law and was lawful.

The Court of Appeal so held, dismissing an appeal by Bury Metropolitan Borough Council against the dismissal by Mr Justice Phipps on March 3, 1997 of their application for judicial review of a direction issued by the Secretary of State for the Environment under section 14 of the 1988 Act, as amended by section 11 of the Local Government Act 1992, and section 198 of the 1980 Act, as inserted by section 32 of the Local Government Act 1988.

In 1994 the local authority put out to tender a contract for the provision of refuse collection and street cleaning. The local authority's direct labour organisation and two other companies tendered for the contract.

The local authority refused to give the outside tenderers all the information they requested concerning the terms of availability of local authority vehicles and sites and awarded the contract to their direct labour organisation.

The outside tenderers complained to the secretary of state who issued a notice under section 13 of the 1988 Act stating that the local authority had not complied with the relevant statutory provisions; that, as a result of the local authority's refusal to provide information, potential contractors were not in a position to submit competitive bids; and that he required a written response from the local authority.

The secretary of state was not satisfied by the local authority's reply and on February 15, 1996 he issued a direction requiring the local authority to re-tender the contract.

Article 36 of Directive 92/50/EEC provides: "Without prejudice to national laws, regulations or administrative provisions on the

remuneration of certain services, the criteria on which the contracting authority shall base the award of contracts may be (a) where the award is made to the economically most advantageous tender, various criteria relating to the contract; for example, quality, technical merit, aesthetic and functional characteristics, technical assistance and after-sales service, delivery date, delivery period or period of completion, price, or (b) the lowest price only."

Mr Michael Supperstone, QC and Mr Jason Coppel for the local authority; Mr Richard Plender, QC and Mr Ian Burnett for the secretary of state.

LORD JUSTICE SCHIEMANN said that Mr Supperstone submitted that on the material before him the secretary of state was not legally entitled to exercise the discretion which he exercised in the manner in which he exercised it.

It was common ground that the local authority could not succeed unless they could show that there was no material upon which the secretary of state could reasonably conclude that the local authority acted in a manner having the effect of restricting, distorting or preventing competition: see section 7 of the 1980 Act.

Mr Supperstone submitted that there was no material from which a rational secretary of state could conclude as he did. His Lordship disagreed.

It was further submitted that the direction given by the secretary of state should be quashed because it infringed directly enforceable rights given to the local authority against the secretary of state by Council Directive 92/50/EEC.

The Directive did not seek to confer rights on authorities who put work out to tender. On the contrary, inhibitions were placed in the way of authorities preventing them from going out to tender

on any basis other than those specified in article 36.

The Directive sought to secure that tenderers, not authorities, had certain rights. Those rights had been properly provided in the Public Services Contracts Regulations (SI 1993 No 3228), which gave effect to the Directive.

The Directive could not confer on the local authority a right to award work to its own labour force since in-house arrangements were not contractual and the Directive governed the award of contracts: see articles 1 and 3(f) and R v Portsmouth City Council, Ex parte Coles [1997] 1 CMLR 1135.

Nothing in the Directive authorised the contracting authorities to withhold from service providers information about the key premises and other assets of the former's service providers.

The Directive was not aimed at controlling what bodies were entitled to enter into public works contracts. Central government was free to lay down to local government that tenders should be invited on the basis of article 36(1)(a) rather than 36(1)(b).

What the European Community was concerned with was the transparency of the tendering process. There was no question of any rights being given by Community law against central government to a local authority putting work out to tender. The Directive did not deprive the local authority of any right that it could claim plausibly to have derived from the Directive.

The secretary of state's direction did not restrict the local authority's discretion to select the most economically advantageous bids. Far from restricting that discretion, it was designed to encourage the local authority to select the best bid from tenders submitted on a fair basis.

Lord Justice Auld agreed and Lord Justice Millett delivered a concurring judgment.

Solicitors: Mr Stanley Monaghan, Bury; Treasury Solicitor.

Police question to publican amounted to interview

Batley v Director of Public Prosecutions

Before Lord Justice Kennedy and Mr Justice Maurice Kay

[Judgment February 20]

When police suspected after hours drinking and asked the publican to explain what the arrangements were in the public house, that question amounted to an interview under Code C of the Criminal Evidence Act 1984 (s.60) Codes of Practice and it was not a preliminary question.

Therefore the publican should have been cautioned prior to questioning and offered the chance to verify the officer's notebook at the earliest opportunity.

The Queen's Bench Divisional

Court so held when allowing an appeal by way of case stated of the conviction by Southampton Justices on April 18, 1997 of David John Batley, who supplied intoxicating liquor contrary to section 59(4)(a) and (2) of the Licensing Act 1964.

The justices had found that no interview had taken place, within the meaning of Code C, prior to the administering of a caution to the appellant, that it had been impracticable for the appellant to have read or signed the notebook and that there had been no breach of the codes.

Mr Batley was questioned on the March 17, 1997 and then cautioned but not arrested. Afterwards, Police Sergeant Scriven wrote a

note of the conversation which had taken place while he sat outside the public house in the patrol car with Police Constable Mitchell.

Mr Batley was not allowed an opportunity to check the accuracy of the police sergeant's note or to endorse it as a correct record of the conversation which had taken place between the sergeant and the appellant as the police thought the atmosphere inside the public house to be too volatile and threatening to re-enter.

Mr John Stobart for the appellant; Mr Malcolm Gibney for the prosecution.

MR JUSTICE MAURICE KAY said that having entered the public house the sight of the officer met

was such that any reasonable police officer would have suspected that an offence was being committed and, in those circumstances, it was not practicable for Mr Batley to be afforded the facility to endorse or dispute the accuracy of the police record. Mr Batley was not provided with that opportunity until his trial.

The justices were wrong. The provisions of Code C did not confine themselves to an immediate opportunity of checking to confirm or deny the accuracy of a record.

The requirement of the applicability was not constrained to a time factor. The police officer could show the appellant the record the following day or at any stage after the event had taken place. The fact that was not done was prejudicial to the appellant at trial.

The mutuality of interest in the codes was to protect honest police officers and protect honest police officers was there to decrease the possibility of dishonesty on the part of one side or another.

When steps set out by the codes were not observed, there was a real risk that the fairness of the proceedings against the defendant would be adversely affected.

Solicitors: Langley, Lincoln, Crown Prosecution Service, Eastleigh.

Contempt applicant appeal against sentence

Wilson v Webster

Before Sir Stephen Brown, President and Sir Patrick Russell

[Judgment February 26]

There was no jurisdictional basis to stop an applicant in contempt proceedings for contempt from applying to the Court of Appeal under section 13(2) of the Administration of Justice Act 1969 for a re-determination of the sentence passed on a contempt, although the court would only interfere in exceptional circumstances and if the decision of the court below had been plainly wrong.

The Court of Appeal so held on an appeal by the applicant, Gillian Wilson, against the order of Judge Harkins in Sunderland County Court dated February 20, 1998 whereby he sentenced the respondent, John Jack Webster, to 14 days imprisonment for contempt of court for being in breach of undertakings he had given to the court on December 11, 1998 that he would not

assault, threaten, injure or harm Mr Wilson in any way whatsoever, on the grounds that the term of imprisonment was too short and the sentence failed to reflect the serious nature of the contempt.

Mr David Rowlands for Mr Wilson; Mr A. James Brown for Mr Webster; Mr Robin Berds as solicitors.

THE PRESIDENT said that there was no jurisdictional basis to stop an applicant in contempt proceedings for contempt from applying to the Court of Appeal under section 13(2) of the Administration of Justice Act 1969 for a re-determination of the sentence passed on a contempt, although the court would only interfere in exceptional circumstances and if the decision of the court below had been plainly wrong.

On this occasion the applicant had been having her solicitors' offices when she had been interrupted by the respondent who attacked her without warning, knocked her down and continued to punch her on the ground.

She had been very distressed and quite seriously injured as was apparent from her appearance in court when the respondent was required to show cause why he

should not be committed for contempt.

When sentencing, the judge had acknowledged that the respondent had had no choice but to admit the assault which had been witnessed but went on to say that in view of the admission and the fact the respondent was in work the sentence would be reduced from three months to 14 days.

Despite the fact that there was no direct authority in relation to such an appeal, it was clear that there was no jurisdictional basis to stop the applicant from appealing against the inadequacy of the sentence.

It fell within section 13(2) of the Administration of Justice Act 1969 which provided for appeals in contempt proceedings at the instance of the defendant and, in the case of an application for committal or attachment, at the instance of the applicant. Section 13(2) of the 1969 Act gave the appellate court power to reverse or vary the order or decision

of the court below, and make such other order as might be just.

Although the wording did not exclude the power to increase a sentence of imprisonment, on different issues in Lintner v Cole [1987] QB 553 Lord Justice Lawton had observed that the court should hesitate a long time before exercising that power; furthermore, the court should not interfere in the exercise of discretion unless the decision was manifestly wrong.

This, however, was an exceptional case and one which raised issues of public confidence. The deliberate, violent and prolonged attack in breach of the undertakings should have been treated by a caution, punishment and the judge's sentence was wholly inadequate. Accordingly a sentence of three months would be substituted.

Sir Patrick Russell agreed.

Solicitors: Richard Reed & Co, Sunderland; McArdle Cartwright Mitchell, Sunderland; Official Solicitor.

Converting lease into tenancy

Calcott v J. S. Bloor (Measham) Ltd

Before Lord Justice Peter Gibson and Mr Justice Bennett

[Judgment February 17]

An agricultural lease for a period of less than a year was converted by section 2(1) of the Agricultural Holdings Act 1986 into a tenancy from year to year at the date of the original agreement and not at the end of the initial term in the original agreement.

The anniversary date of the tenancy from year to year was therefore the date the original tenancy took effect.

The Court of Appeal so held, allowing the appeal of the plaintiff, Eric Myler Calcott, against the decision of Judge Pugsley in Burton upon Trent County Court on October 3, 1997, inter alia, that the plaintiff's agricultural tenancy, granted by the predecessors in title of the defendants, J. S. Bloor (Measham) Ltd, for a term of six months commencing June 11, 1993, and expiring November 30, 1993, was converted by the application of section 2(1) of the 1986 Act into a tenancy from year to year determinable on November 30.

The declaration made by Judge Pugsley was set aside and substituted by a declaration that June 11 was the anniversary date.

Mr John West for the plaintiff; Mr Philip Hoyer for the defendants.

MR JUSTICE BENNETT said that the fallacy in the defendant's submission was that the agreement for a fixed term only became a tenancy from year to year after the expiry of the contractual term. That was not a tenancy from year to year.

By section 2(1) the agreement for a tenancy was immediately converted into a tenancy from year to year.

The words "with necessary modifications" in section 2(1) referred to the modifications consequent on the tenancy being deemed to be a tenancy from year to year. Necessary modifications had to be made to the dates when the rent was paid.

Lord Justice Peter Gibson delivered a concurring judgment.

Solicitors: M. & S. Solicitors, Swepstone, Shoochrights & Harrison, Rugby.

Legal aid refusal irrational

Regina v Scunthorpe Justices, Ex parte S

Before Lord Justice Kennedy and Mr Justice Maurice Kay

[Judgment February 19]

Refusal of legal aid to a defendant aged 16 who sought to challenge whether a police officer had acted in the execution of his duty was irrational.

The expertise needed to cross-examine police witnesses and find, select and proof defence witnesses was beyond that of a defendant aged 16.

The Queen's Bench Divisional Court so held granting S, the applicant, an order of certiorari quashing the refusal of Scunthorpe Justices to grant S legal aid on February 10, 1997 and May 2, 1997. The justices had stated that there were insufficient details of the need to trace witnesses.

S had been arrested for a public order offence on November 1, 1996 and charged with obstructing a police officer in the execution of his duty contrary to section 89(2) of the Police Act 1966.

Mr Rupert Mayo for S; the justices did not appear and were

not represented.

LORD JUSTICE KENNEDY said that the decision was irrational and would not be sustained.

If the offence had been proved, a moderate sentence would have been imposed on a young man of good character on the threshold of his life.

In so far as there had been a conflict between the evidence of the police officer and witnesses, the applicant wanted the witnesses traced. By virtue of section 2(1) of the Legal Aid Act 1988, any doubt as to whether legal aid should be granted was to be resolved in favour of the applicant.

A defendant aged 16 would be seriously handicapped if left to conduct his own defence and there was an obvious need for expert cross-examination. If magistrates considered that they did not have sufficient information they should have asked for that information in accordance with section 2(2) of the 1988 Act rather than refusing legal aid.

Mr Justice Maurice Kay agreed.

Solicitors: Pressler Parker Sloan, Scunthorpe.

Extradition without representation

Regina v Secretary of State for Home Department, Ex parte Agkurt

The Secretary of State for the Home Department could make an order for extradition without considering the strength of the evidence against the accused and without putting to the state seeking extradition the representations of the applicant. Where there was more than one co-accused, the issue as to who was prosecuted was one of the questions for the state.

The Queen's Bench Divisional Court (Lord Justice Kennedy and Mr Justice Maurice Kay) so held on February 13, when dismissing Mehmet Agkurt's application for judicial review of an order made by the Home Secretary on April 27, 1997, pursuant to section 12(1) of the Extradition Act 1989, that the applicant be returned to Italy as a person accused of offences relating

to a controlled drug.

LORD JUSTICE KENNEDY stated that where the applicant made representations as to why he should not be extradited, the burden of proof was on him to raise any issues he wished to have considered.

His Lordship rejected the propositions that (i) the secretary of state should not have made the order without having put those representations to the requesting state and (ii) that the secretary of state had to consider whether there could be a conviction on the merits of the case.

The statutory question that the minister had to answer was whether it would be unjust or oppressive to return the applicant, in all the circumstances of the case. R v Secretary of State for the Home Department, Ex parte Leander (The Times October 28, 1996).

Hammond v West Lancashire Health Authority

A health authority with a policy of destroying patients' X-rays after three years, even those of patients known to the authority to be contemplating actions in negligence and whose solicitors had requested notes, would have any prejudice pleaded in a limitation defence significantly discounted.

The Court of Appeal (Lord Justice Simon Brown and Lord Justice Ward) so held on February 13, dismissing an appeal by the defendant health authority against the decision of Judge T. Michael Evans, QC, in Abergwyth County Court that although the plaintiff's medical negligence action on behalf of his late wife's estate was commenced more than three years after he knew of the cause of action within section 14(1) of the Limitation Act 1980, the action should be allowed to proceed under section 33 of the Act.

LORD JUSTICE WARD said that the judge was critical of the practice of destroying records which took no account of the time limits in the 1980 Act.

The judge expressed unhappiness at the defendant's practice, when a patient's medical records were requested in a letter before action, of destroying the X-rays if no further request were made, because X-rays were not considered to be part of the patient's notes. The judge regarded that as wholly unacceptable, showing a cavalier disregard for the rights of patients to have access to their records.

His Lordship considered that view of the relationship of X-rays to notes, that when notes were requested X-rays ought to be sent with them, a permissible view with which he would not wish to interfere.

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10

Kevin Eason runs the rule over the supporting cast for this season's Formula One campaign

Young guns moving into fast company

HE LOOKED as bewildered as a naughty schoolboy as he emerged blinking from the cockpit of the car. The Tyrrell mechanics were leaping around him as though demented and Toranosuke Tagaki was convinced he had angered them with the sort of daft error that only a complete novice could make.

It was only when their huge smiles finally registered that it dawned on him that he had pushed the Tyrrell to a lap time that the team never expected so soon from their freshman. On Sunday, there will be no time for bewilderment or doubt for Tagaki will be making his debut as a Formula One driver in the Australian Grand Prix in Melbourne.

He will at least be in sympathetic company for the class of '98 is packed with rookies hoping to upset the established order and send a message to Jean Alesi and Johnny Herbert, both 33, and the oldest man in the field, Damon Hill, 37, that it is time for them to step aside.

Seven of the drivers starting on Sunday can muster just 76 races between them — eight less than Hill's career total. Two of them — Tagaki and the 19-year-old Argentinian, Estaban Tuero — have yet to turn the wheel of a Formula One car in a race while Alexander Wurz, of Benetton, has just three starts behind him.

This infusion of raw talent is a sign of the times. Underfunded teams are prepared to give youth its chance for the sake of the overdraft. In the most blatant cases, the man who can bring enough sponsorship with him can virtually guarantee himself a drive, often displacing a more talented but impoverished rival, which is probably why Pedro Diniz, son of a Brazilian supermarket magnate, faced such a barrage of insanity when he joined the Formula One club. The implication that daddy had "bought" his son a drive clearly rankled. That Diniz, 27, has progressed so well is credit to his resilience. Priorities can be moulded and changed when a team needs publicity to attract sponsors and guarantee column inches and television time. Or could it be coincidence that Eddie Jordan was willing to gamble on Ralf Schumacher.



Tagaki: first-timer



Schumacher: name helps



Wurz: Le Mans winner

Michael's brother? Teams have a stark choice. They can either pay the multimillion-pound salaries demanded by the likes of Michael Schumacher or Hill, or they can go out and find their own talent. Flavio Briatore, the former head of Benetton Racing, knew how to save a penny or two. He backed youth, Giancarlo Fisichella, 25, is looking like a future champion. Alongside him at Benetton is Alexander Wurz, 24, an Austrian who many believe has a brilliant future. A former winner of Le Mans, he replaced Gerhard Berger for three races last season and



Trulli listens carefully to words of advice from Prost, who is convinced his driver has what it takes to succeed

made an almost immediate impact by finishing third in the British Grand Prix at Silverstone in only his third race.

Another product of the Briatore scouting system is the Italian, Jarno Trulli, who was trundling along at Minardi before moving to Prost after Olivier Panis's accident at the Canadian Grand Prix last year. In 14 races he did enough to convince Alain Prost that he could become one of the great drivers.

How on earth, then, did Tuero find his way into such company? His record in the lower formulas is not particularly distinguished but he has

the backing of some of his country's leading industrialists, keen to see a new national hero emerge. The FIA, Formula One's ruling body, refused to grant Tuero a super licence

Ayrton Senna" after winning the British Formula Three championship in 1994, a promise as yet unfulfilled at Stewart.

However, Ken Tyrrell has

'Teams are prepared to give youth its chance for the sake of the overdraft'

every confidence in his young Japanese recruit. Tagaki, nicknamed "Tora", was the team's test driver last year when he regularly proved quicker than the established drivers, Mika Saio and Jos Verstappen.

Tyrrell, who gave chances to

Jackie Stewart and Alesi among others, decided that he would stay with Tagaki rather than look elsewhere.

"It is odd, but you can take a driver who is terrifically successful in, say, Formula Three and they cannot make a Formula One car work," he said. "The only way you know if they are going to be good is when they step into a Formula One car. That's what we did with 'Tora' and we think he will surprise a few people."

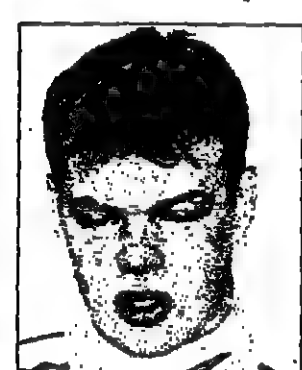
The route from test driver to star is a well-trodden one and that favoured by Frank Williams. David Coulthard and Hill were both promoted after spells as test drivers and



Fisichella: star quality



Tuero: licence delayed



Magnussen: slowed down

Williams is so convinced this is the way forward that he ran a competition last year to pick this year's "backroom boys".

Only enthusiasts will have heard of the winners — Juan Pablo Montoya, 22, from Colombia, and Max Wilson, a 25-year-old Brazilian. They will be doing the donkey work while Jacques Villeneuve and Heinz-Harald Frentzen pursue world championship points. But both stars will be looking over their shoulders at the test drivers, who will have every chance to impress the most successful team owner in the business. If he decides either, or both, are ready to step up, then look out.

Novices driving for pole position

ESTABAN TUERO

Age: 19
Grands prix: 0
Argentinian baby of the grid, only just awarded his super licence. Fairly undistinguished career so far except for winning the 1996 Italian F2000 championship.

TORANOSUKE TAGAKI

Age: 24
Grands prix: 0
All Japan wants him to succeed and he might spring a surprise. Proved himself in several classes of motorsport and impressed Ken Tyrrell as a test driver enough to win his seat on merit.

JAN MAGNUSSEN

Age: 24
Grands prix: 18
Disappointing first year but still highly-rated by those who know. With experience of a full season, the Dane could start to fulfil the potential he showed as 1994 British Formula Three champion.

JARNO TRULLI

Age: 23
Grands prix: 14
Protégé of Flavio Briatore at Benetton and now Alain Prost, who believe the Italian is future champion with potential for greatness. A natural who is full of confidence.

RALF SCHUMACHER

Age: 22
Grands prix: 17
Second-youngest driver with a full season at Jordan. Inexperience spills into recklessness but reckoned to be quick and often faster than team-mate Hill in pre-season testing.

ALEXANDER WURZ

Age: 24
Grands prix: 3
Stand-in for Gerhard Berger last season, with a third at Silverstone, which was enough to win him a permanent seat. The former karting world champion has enough to be a winner in Formula One.

GIANCARLO FISICHELLA

Age: 25
Grands prix: 25
Italy's best chance of a world champion since Alberto Ascari. Naturally gifted though shows signs of cracking under intense pressure. Should make an impact this season.

CRICKET: CARIBBEAN TOUR BACK-UP TEAM PROVING ITS WORTH

England's new support system geared to produce harmony

FROM ALAN LEE, CRICKET CORRESPONDENT
IN BRIDGETOWN, BARBADOS

AFTER six weeks in cities bearing no resemblance to the popular preconception of life in the Caribbean, England's cricketers flew into Barbados yesterday with spirits uplifted. At 2-1 down with two games to play, their prospects in this Test series are uncertain, but in this group, unlike most of its predecessors, no one needs feel isolated or unsupported.

England are some way from having the best team in the world, but the steps taken to ensure the welfare of the players are unprecedented. Hence, there is a unity of purpose, a sense of progress. It has taken too long to acknowledge how backward English management had become, but the changes effected in the past year are extensive.

One example was evident yesterday when the touring party suddenly tripled in size with the arrival of wives, girlfriends, children and even a nanny or two. This may seem a routine event, inconsequential to the business of the team, but in the past it has proved highly contentious.

Two years ago, Raymond Illingworth, then both team manager and chairman of selectors, fumed graphically at his squad in South Africa played happy families over the Christmas period. Illingworth felt that he was suddenly in a creche, that his players were distracted by domestic matters and that it helped to cost England the series.

Michael Atherton did not agree with Illingworth on every issue, but he had no argument on this one, and, last winter, partners and families were banned from the tour to Zimbabwe and New Zealand. It was a sweeping, intemperate measure, one that the captain now regrets, and it was widely resented.

A balance had to be found and time will tell if Bob Bennett, who chairs the England management committee, has hit on it. Bennett, also tour manager for this trip, has employed a woman assistant, Fran Wickham, specifically to assist the families and resolve their logistical or organ-

isational problems without involving team management.

As head of the seven non-players in the party, Bennett now presides over regular management meetings — another innovation, this one suggested by Steve Bull, the team's part-time psychologist. Bull's theory was that as the players met frequently to debate their problems, it would surely be beneficial if those looking after them did so, too. It sounds simple, but no one had thought of it before.

England have never travelled abroad with such a large support structure but the numbers are here to stay. Though the official blazers seem to multiply by the month, it is money well spent. From the press officer, Brian Murgatroyd, to the scorer, Malcolm Ashton, everyone

Wasim joins Pakistan team in defiant mood

FROM IVO TENNANT IN PORT ELIZABETH

WASIM AKRAM, the former Pakistan captain, arrived in South Africa yesterday afternoon, proclaiming that he was fit to play in the final Test match that starts here tomorrow and denying allegations of involvement in match-fixing that were made against him. These were, he said, "never an issue".

Wasim has not been told formally that he will play, but there is little point in a cricketer of his ability joining a tour if he is to sit in the pavilion. The likelihood is that Fazl-e-Akbar, who was also a late replacement for the Pakistan party, will be omitted from the side that won the second Test earlier this week.

Wasim, who has not played any cricket for a month, has trained for the past 12 days in the expectation of joining the party and, natural athlete that he is, is unlikely to let himself

down. He is unconcerned that Salim Altuf, the chairman of the Pakistan selectors, has resigned because he has been called up. "Nobody cares," Wasim said.

Asked to comment on suggestions that other players did not want him in South Africa, he said: "We are all representing a huge country. If somebody is unhappy, he should come up and say so to me, so that we can settle our differences."

As to allegations of match-fixing after Pakistan's poor performance in the recent tournament in Sharjah, Wasim said: "I have been a top cricketer earning good money for a long time, so why should I do such a stupid thing? I went in front of the commission of inquiry and said it was easy to check players' assets and accounts. The matter has now been dealt with."

has greatly expanded. This might just be the finest of all England teams, a state that could not have been arrived at without Riddle's ability to strike a balance between encouragement and insistence.

The players now train because they want to, because they enjoy it. They were given a free day to rest after the Test defeat in Georgetown, but Robert Croft went for a lengthy run along the Guyana sea wall. Riddle and Morton at his side. Croft was once a Welsh champion, liable to chuckle at the suggestion of volunteering for a run. Riddle has transformed him and his bowling is seeing the benefit.

Riddle has an open mind to experiment, something alien to many in the English game. A fortnight ago, he flew from Trinidad to Miami and spent a day at the training camp of the Los Angeles Dodgers baseball team. He videoed their fielding drills and is now incorporating some of them.

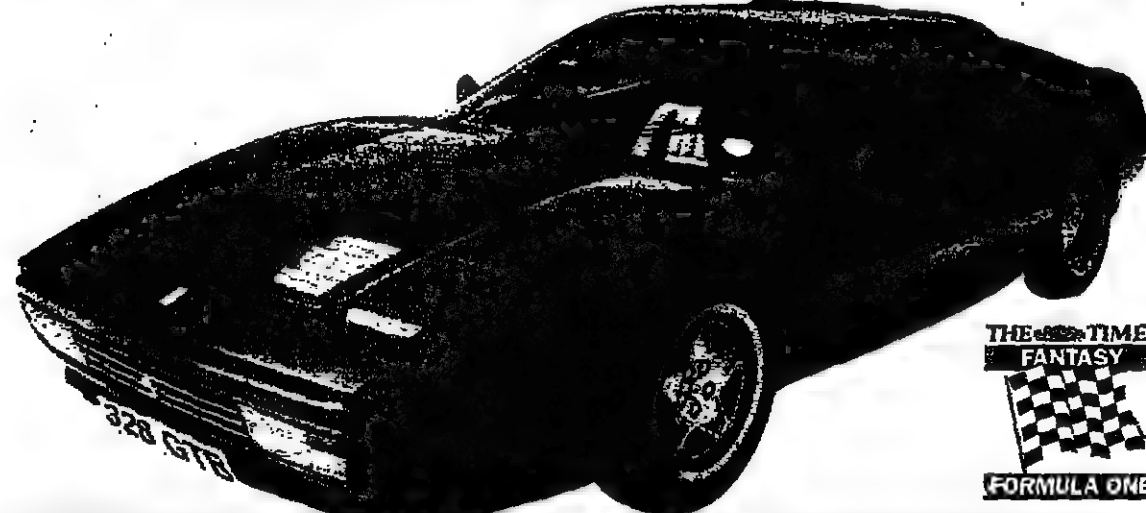
The backroom team will be ever more influential during the non-stop year ahead, in which England face South Africa and Sri Lanka at home, a full Ashes tour — the itinerary of which is presently being dissected more closely than in the past — and one-day tournaments in Bangladesh and Sharjah.

At the end of all that the World Cup beckons and the Team England principle is likely to be extended, with a squad being kept together through the spring of 1999. The counties may protest at the expense of it all and at the increasing focus on the national team. Most of us think it is admirable and overdue.

If any player doubted he had official backing, the appearance of Lord MacLaurin of Knebworth in Georgetown, where few such eminent cricketing figureheads have previously ventured, should have been reassuring. On Sunday, David Graveney, the chairman of selectors, returns here. He will find a team that has not yet found fulfilment, but is being given every chance.

EXCLUSIVE COMPETITION THE TIMES

WIN A CLASSIC FERRARI 328 GTB



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You could win a classic Ferrari 328 GTB by entering a team in our Fantasy Formula One competition. This dream machine has a top speed of 155mph and does 0-60 in 6.6 secs. Second prize is a trip for two to the 1999 Australian Grand Prix. Third prize is a trip for two to the 1999 Monaco Grand Prix. Entry lines to register in time for Sunday's Australian Grand Prix are open until noon today. Choose your fantasy team with care. Starting with the

Brazilian Grand Prix, six races carry up to 600 bonus points for correctly predicting any of the first three drivers to finish. Bad driving and failing to finish will incur penalties. Full details of how to make transfers to strengthen your team will appear after the Australian Grand Prix.

Full details of the competition and terms and conditions were published in *The Times* on Monday.

HOW TO ENTER

Choose six drivers and six constructors, three from each of the four groups, left. Readers in the UK and Irish Republic can enter by calling the 24-hour hotline on 0891 40 50 01 (+44 990 100 311 Roll). Calls last about seven minutes and must be made using a Touch-tone telephone. Follow the instructions and tap in your 12 two-digit selections in turn. The order in which you register your first three drivers will be your predictions for the 1st, 2nd and 3rd finishing places for the Brazilian Grand Prix. You will then be asked to give your Fantasy Formula One team name (max 16 characters), together with your details. You will receive a 10-digit PIN as confirmation of your entry.

MAKE 3 SELECTIONS FROM EACH OF THESE FOUR GROUPS

GROUP A DRIVERS		
01 Damon Hill	05 Jacques Villeneuve	09 Mika Hakkinen
02 Michael Schumacher	06 Olivier Panis	10 Jean Alesi
03 David Coulthard	07 Heinz-Harald Frentzen	11 Rubens Barrichello
04 Giancarlo Fisichella	08 Eddie Irvine	
GROUP B DRIVERS		
12 Alexander Wurz	16 Mika Salo	20 Ricardo Rosset
13 Ralf Schumacher	17 Pedro Diniz	21 Shinji Nakano
14 Jarno Trulli	18 Jan Magnussen	22 Estaban Tuero
15 Johnny Herbert	19 Toranosuke Takagi	
GROUP C CONSTRUCTORS		GROUP D CONSTRUCTORS
23 Williams	25 McLaren	29 Sauber
24 Ferrari	27 Jordan	30 Arrows
26 Benetton	28 Prost	31 Stewart
		32 Tyrrell
		33 Minardi

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CHANGING TIMES



Seaman, England's No 1, was out of action over the weekend, but the foreign legion was out in force. Top, from left, Peter Schmeichel, Poom, Brad Friedel, Shay Given and Keller

Fine tradition needs saving from the danger of continental drift

Rob Hughes on the trend among Premiership clubs to ignore home-grown talent and look abroad for their goalkeepers

The near eclipse of the English goalkeeper, once the superior breed in world football, came so close this week that, of the 20 Premier League teams, just four fielded goalkeepers who are eligible to play for England.

Injuries to David Seaman, Tim Flowers and Ian Walker, three of Glenn Hoddle's chosen elite, exacerbated the situation. Yet, as the matches last Sunday and Monday showed, the men standing in for them are young, strapping... and foreign. When Espen Baardsen used the full extent of his 6ft 5in frame to turn away a shot against Bolton Wanderers, he may well have helped to secure Tottenham Hotspur's continuation in the FA Cup Premier-ship; when Alex Manninger, tall, flaxen-haired and Austrian, spread himself to deny West Ham United, he secured a point that could yet put Arsenal into the European Champions' League next season.

These are jobs for the boys, but the boys are not British. They come from the Continent and every club, it seems, is now investing abroad rather than schooling home-grown talent. Take Leicester City: on Saturday their goalkeeper was Kasey Keller who, with that name, could only be American. On the substitutes' bench, was Pegguy Arphedard, a French goalkeeper scarcely known in his own country. With those two, and Zeljko Kalac, the 6ft 7in Australian last season, small wonder that the aspirations of Kevin Poole, a reasonable goalkeeper but too English for words, are floundering.

And Leicester was the home of Gordon Banks and Peter Shilton, two of the finest and most dependable goalkeepers the world has seen. At Derby County, Jim Smith, among the most down-to-earth of English managers, has recruited a goalkeeper from Estonia, Mart Poom, another towering man of 6ft 5in. It was Smith who, early in the career of Seaman, engaged Bob Wilson, the former Arsenal and Scotland goalkeeper, as something quite new in this country: a specific goalkeeping coach to correct a young man's attitude as much as his ability. Smith believes, as many English

managers now do, that the goalkeeping school has withered irreparably in England, that there is little talent coming through and, furthermore, he reasons: "Young men don't fancy being the scapegoat." His own former first-team goalkeeper, Russell Hoult, buckled beneath crowd persecution; Poom may lack the linguistic understanding to even know when he is being criticised.

Smith has also argued that the television exposure, repeatedly showing a goalkeeper's errors from different angles, deters youths. The old saying was that you had to be daft to be a goalkeeper, and maybe there are not enough daft young men around.

Unless we revert, though, to the 23-stone figure of England past, to "Fatty" Foulke, the former Sheffield United and Chelsea custodian, what is it that is lacking in the youth of this

country, in the education of an isolationist trade? The answer, like the present line of goalkeepers, lies abroad.

Andy Roxburgh, the former Scotland coach, is now the technical director for UEFA, the governing body of European football. He oversees the coaching trends for 51 countries and 16 million players and initially blames Bosman. "Before the Bosman ruling," he said, "English clubs would have been reluctant to sign a goalkeeper among their allotted three foreigners — they would go for a striker, a midfielder or whatever. Once the Bosman ruling came in, it became simply cheaper to sign players from abroad and the tradition for British goalkeeping was lost in the rush."

More than that, Roxburgh concedes that it is a matter of education,

of facilities, of technical quality. Because of Bosman, because the floodgates to the monied Premiership have welcomed through so many imported outfield players, the very structure of the game here is changing. No longer do clubs require a big, competent English lad to pluck the ball out of the air — foreign players simply do not hump it in from the wings with such consistency.

"Enlightened clubs, such as Ajax," Roxburgh said, "teach boys who are going to be goalkeepers how to use their feet. The goalkeepers on the Continent are trained more to be a part of the defence, to come out and use their feet to intercept balls, more than merely catch them."

It is in education that, Roxburgh believes, the Continent is "light years" ahead of the United Kingdom, with facilities such as soft landing

areas and full-time coaching schools. At Bayern Munich, Sepp Maier, the 1974 World Cup-winning goalkeeper, has been employed for 20 years on upgrading the qualities of successive goalkeepers.

Consequently it is rare in Germany for foreigners to be entrusted between the posts: they consider communication between a goalkeeper and his defence of paramount importance. Similarly in Italy, where the employment by AS Roma of Michael Konsel, an Austrian, as their goalkeeper is the exception that proves the rule.

The investment is akin to the acknowledgement that Brian Clough made 20 years ago, when he paid Shilton a wage higher than any other individual in the British game, because goalkeeping was the No 1 priority in team building. Now, as the young and old goalkeepers from overseas usurp the positions of Englishmen, it is significant that Alan Hodgkinson, arguably the most erudite of goalkeeping coaches in these islands, has become full-time goalkeeping coach to Rangers. The Premiership, which in 1997 spent £100 million abroad, is bringing in the finished article... but there are exceptions elsewhere.

Ipswich Town have adopted positive discrimination. In a league where other clubs, including Charlton Athletic, Crewe Alexandra and Luton Town — clubs with a reputation for grooming — are buying foreign goalkeepers, Ipswich released Craig Forrest, the Canada goalkeeper, to West Ham in order to promote the career of Richard Wright, 20, the England Under-21 goalkeeper. More planning on this scale is needed.

West Ham, without the injured Forrest and Luděk Mikulski, last Monday played Bernard Lama, a Frenchman not wanted in his own country after a drug offence. West Ham, though, are also thinking ahead: they are negotiating with Rochdale for a schoolboy, Stephen Bywater: a boy to groom. Roxburgh is impressed, but asks the leading question: "Who, in England, is educating the educators?"

Leading article, page 23

Leading lady of football seeking equal opportunity

SARAH POTTER



Tony Adams will lead Arsenal out against West Ham United in the sixth round of the FA Cup on Sunday with high hopes of emulating the club's female section. Sarah Williams and her team-mates ensured that Arsenal Ladies moved into the semi-finals of the Women's FA Cup last Sunday by defeating their arch rivals, Doncaster Belles. The 2-1 victory keeps the Londoners' dream of a domestic treble alive and kicking.

A television documentary and the Pete Davies book, *I Lost My Heart To The Belles*, made Doncaster the most talked about women's team. Formed nearly 30 years ago, they are also the longest-established. Their male counterparts, Doncaster Rovers, are the Football League's basement boys, out of money as well as luck. The women go it alone, scrapping for their points in the pit town of Arncliffe.

Gloucester, though, can be found in basket-weave inside Highways' red and white gates. Here, links with the men's team, together with a cluster of generous sponsors, have made Arsenal Ladies the envy of the ten club national divisions of the Women's Premier League.

"Arsenal give us a lot more than any other men's club," Williams, 30, said. "We train there twice a week free of charge and they pay for a full-time member of staff to organise all our fixtures and co-ordinate youth development. All our players are entitled to tickets to watch the men and the ones who have been around for a long time, like Tony Adams and Ian Wright, know what's going on and are supportive."

Arsenal Ladies are now in their eleventh season. Vic Albert, the kit manager for the men's first team, visited the club when Islington and Aylesbury amalgamated, and he is still involved. Although the women's game now suffers under the umbrella of the Football Association, the England team struggle against more professional opposition. "The FA have a lot of expertise and can lead us in the right direction," Williams said. "But there are still too many people who want to keep women's football in the back seat."

"In America, football was introduced as a mixed sport and now it's huge. Their national side comes together for three-month training camps and the players are well paid by their federation, so they don't have to worry about missing work."

As a media teacher in Blackheath, Williams is wistful about the lack of opportunity the English game can offer. "One of our top youngsters, an Arsenal player, Kelly Smith, has gone to America on a football scholarship. She'll

get to play regularly at a good level and if I was 18, I would be thinking about going somewhere else."

Which is exactly what Williams did do. As a teenager she travelled to Italy to play professionally for two years. "At that time it was the place to play," she said. "You could earn enough to live on, but not to put any aside. It wasn't like it is for the men, where you can retire at 35 and be made for life, so I thought I'd come back, go to university, do some coaching and see how far I could get."

She has held her coaching badge for a decade. "Kids have a different attitude these days to when I was growing up," Williams said. "They are much more street-wise, but boys at school now are quite happy for the girls to join in." She is given additional respect by the boys at her school because their mums' teacher can boast 17 international caps.

However, when England started in Germany in a World Cup qualifying game at the New Den, Millwall, on Sunday, Williams will not be taking her customary place in midfield. Dropped to stand-by status, she will instead be behind a microphone, co-commentating for Sky TV.

Other, unexpected opportunities are also rolling her way. Coca-Cola has recently launched a magazine advertising campaign centred on players' childhood memories. "We've worked really hard at Arsenal to promote the game and I think that's why they approached the club," Williams said.

It is slightly surprising, given her London upbringing, that the advert is a celebration of sun, sea and fizzy drinks in Swansea. Until, that is, she explains her father's occupation. "Dad was the Labour MP there, so we spent loads of time in Swansea," Williams said. She also used to support their football team, before she lost her heart to Arsenal. Now the club's sights are set on an FA Cup double that they have already achieved once, in the 1992-93 season.



Williams would like to see greater professionalism

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THE TIMES THURSDAY MARCH 5, 1998

Uneven domestic form makes for unpredictable Cup Winners' Cup quarter-final

Vialli seeks positive start from Chelsea

FROM BRIAN GRANVILLE IN SEVILLE

CHelsea flew to Spain for the first leg of the Cup Winners' Cup quarter-final against Real Betis making respectful noises about their opponents, but the truth is that both teams have been out of sorts recently.

Chelsea's challenge in the FA Cup has melted away and they looked an indifferent team when they lost 1-0 to Manchester United last Saturday. Betis have at no stage mounted a challenge for the Spanish championship and, although they beat modest Compostela 3-2 last weekend, it followed a run of poor results.

The possibility that the match would be enlivened by Denilson, the brilliant young Brazilian, has proved groundless. Denilson, who has been

This is the first time that Vialli has managed a team in any European competition, although he played in half a dozen European finals, losing a European Cup final with Sampdoria at Wembley, winning one with Juventus, in Rome two years ago.

"I have to be confident," Vialli said, "and to be optimistic. Of course I respect Betis. They're a very good side, especially when they play here. As for the potentially vibrant atmosphere, 'the crowd can't play football', he said. 'They can get behind the players for 90 minutes and increase the spirit of the players. I think we're good enough to cope with the situation we find in Spain. The first 25 minutes will be vital.'

Graham Rix, the Chelsea coach, has not seen Betis in the flesh, but is well informed about them. He thinks that they may play 4-3-3, with Jarrold in midfield and Oli, who has had a loan since his transfer from Oviedo, among the front-runners.

"Alfonso's a very good player," Rix said. "He's got good ability and he's very quick. They're a very good side, especially offensively. A lot of pace up front."

Mark Hughes, who is slightly doubtful after straining a calf in training, said: "I think if we play to our potential, we can certainly give them plenty of problems. The important thing is not to get ourselves into a position where we can't save the tie. Obviously, we'd like to win, but in Europe, you have to be very careful."

Vialli said that he is likely to continue with a three-man attack, of himself, Gianfranco Zola and either Hughes or Tore Andre Flo. Zola said that it is going to be "a hard, demanding game", and, contrary to some reports, added that he thinks the "trident" attack "can get rather better results, though it is difficult to



Zola, who is likely to be part of a three-man attack for Chelsea in Seville tonight, will be hoping that he can recapture the form of last season

It's very important," Dennis Wise, the captain, said, "to get a draw or a win. It would be nice to get an away goal. It's not like the Premiership, it's nothing like it. You've got to sit back and be very disciplined."

Græme Le Saux is Chelsea's other doubtful starter. "He twisted his ankle in training yesterday," Vialli said, "but I think he can do it." If he is unavailable, Chelsea may be in trouble. Neither Granville nor Babayaro is fit to play and they might be obliged to switch the right-footed Clarke to the left and

bring in the erratic Frank Sinclair on the other flank. Meanwhile, Vialli's new managerial regime seems to have begun smoothly. "He's very honest," Wise said, "takes a lot of time out to explain things to the players, and that's what we need, sometimes. He still jokes with us, although he's not in the same dressing-room now. He has to separate himself from the lads."

"Even if we were teammates," Vialli, for his part, said, "they know and I know I have to make decisions. I hope they respect this. I hope they understand them, as well."

Didier Deschamps, the France midfielder player, has denied that he will be joining Chelsea from Juventus next season. "I've willingly extended my contract here until 2001 because I'm very happy at Juventus and moving away would make no sense to me," he said.

Villa must not count on home comfort

BY RUSSELL KEMPSON

DWIGHT YORKE, the Trinidad and Tobago striker, playfully ribbed his Aston Villa team-mates about England's cricket progress, or rather the lack of it, against West Indies and Doug Elliott, the Villa chairman, bought drinks for everybody. All it needed was for Steve Harrison, the new Villa coach, to appear suddenly on the baggage-return conveyor belt — one of his favourite tricks, apparently — and the illusion would have been complete.

Casual observers of the Villa party's departure from the Vicente Calderon stadium on Tuesday night, and subsequent arrival at a wet and windy East Midlands airport in the early hours of Wednesday morning, could have been forgiven for thinking that they had beaten Atletico Madrid, or at least drawn, in the first leg of their UEFA Cup quarter-final. Spirits were high, almost buoyant.

Yet Villa had lost 1-0 to a 43rd-minute penalty from Christian Vieri, and, for a series of agile saves from Mark Bosnich in a one-sided first half, the second leg at

Villa Park on March 17 would have been rendered academic. Though they managed to score a number of chances, the previous comradery of an away goal had faded them.

After the initial elation, though, perspective returned. Atletico have not lost a European match away from their Calderon cauldron in two years and were the only side to beat Borussia Dortmund last season, when Dortmund won the European Cup. If Villa

thought they had done the hard bit, they were mistaken. "It will be tough at Villa Park," Raddy Attie, the Atletico coach and former Luton Town player, said. "It will be a great atmosphere and Villa will have to play differently. They will have to come at us more."

Such is the nature of European football that Atletico appeared to settle for a 1-0 away goal, a containing, fast-breaking system at Villa Park and, with the multifarious

talents of Vieri and Kiko up front, he has the perfect partnership to execute his plan. "I don't know whether they put so much into the first half that they ran out of steam," Bosnich said, "but they did seem to think that 1-0 was enough. With the away goals rule as it is, you can perhaps understand their mentality. Teams like them pride themselves in their counter-attacking skills but, if we keep it tight at the back, I think we've got a better than even chance."

SHAWN BOTTEN / L.A. SPORTS



The penalty, scored by Vieri, that gives Atletico a precious second-leg advantage

Liverpool respond to racism claims

BY OUR SPORTS STAFF

LIVERPOOL are to investigate claims that Steve Harkness, their defender, racially abused Stan Collymore, the Aston Villa striker, during the clubs' encounter at Villa Park last Saturday.

Harkness, 27, has been accused by Collymore of making racist comments during the FA Cup quarter-final game, which ended in a 2-1 victory for Villa, with Collymore, a former Liverpool player, scoring twice. Collymore is said to have complained to Graham Poll, the referee, during the match about the abuse.

Roy Evans, the Liverpool manager, was out of the country yesterday on a scouting mission in Europe, while Peter Robinson, the chief executive, was away from the club on personal business, but both will discuss the situation with Harkness when they return. It seems likely that Kevin Dooley, the club solicitor, and Rick Parry, the chief executive designate, will also be involved in the meetings.

"These are serious allegations which have been made against Steve Harkness and ones that the club does not take lightly," a statement issued by Ian Cotton, a Liverpool spokesman, said, "but until we have had the opportunity to sit down and discuss the matter with Steve, Liverpool Football Club is not in a position to comment further on the matter."

The Football Association will await the outcome with concern. It has said that it will wait for the referee's report to see whether he mentions the incidents on the pitch and also an alleged confrontation in the tunnel after the match and a reported attempt by Harkness to try to continue the row with Collymore by bursting into the Villa dressing-room.

Poll said yesterday that he had seen and heard nothing and would not be reporting the incident, although he admitted that Collymore had complained to him on the pitch about his treatment.

Supporters persuade McDonald to resign

BY OUR SPORTS STAFF

MIKE McDONALD has said that he will resign as Sheffield United chairman because supporters demonstrated against him on Tuesday. The protest, which came on a night when Ipswich Town ended United's unbeaten home record, was prompted by the surprise decision of Nigel Spackman, the manager, to leave the Nationwide League first division club on Monday.

McDonald, who said he would remain part of Sheffield United plc, said: "I am not here to be abused. I have always said from the outset that, on the football side, once the fans don't want me, I will go. I find it difficult to believe. For two years we have built the club up from 8,000 gates and a three-sided ground to a new era. 'We are in the quarter-finals of the FA Cup, in the top six in the league and the fans are not happy for some reason or other. I have said all along that if they are

not happy with me then I won't be there any longer."

McDonald defended the decision to sell several leading players, including Jan Aage Fjortoft to Barnsley and Brian Deane to Benfica, moves which were believed to have angered Spackman. "Brian Deane — no one wanted him to go, especially me," McDonald said. "I tried for three weeks to get him to come here in the first place but obviously Benfica offered him a contract he could not refuse and we could not match."

McDonald said his last job as chairman would be to appoint Spackman's successor. "I shall oversee the appointment of a new manager on Thursday morning, tidy up a few things and then hand over," he said.

Lou Macari is believed to be a leading

candidate to replace Spackman. The former manager of Swindon Town, West Ham United, Birmingham City and Celtic has been out of work since resigning as Stoke City manager last July to fight a legal battle with Celtic.

Two weeks ago, however, the case finally ended with neither Macari nor Celtic awarded victory after a three-year court battle. Macari said: "With my contractual situation with Celtic more or less over and having spent the last six to seven weeks stuck in an Edinburgh court, which was no fun, I am free to manage again even if I appealed."

He added: "I am flattered that my name has been mentioned but I have had no contact with Sheffield United. I do know Mr McDonald, and maybe in the next 24 hours things will change and, although there has been no approach, we will just have to see what happens."



Macari: flattered by link

FOOTBALL RESULTS

TOKYO: Dynasty Cup: South Korea 2 China 1; Japan 5 Hong Kong 1	
Tuesday's late results: Aston Villa 1-0 Manchester United; Arsenal 1-0 Tottenham; Chelsea 1-0 Liverpool; Manchester City 1-0 Newcastle; Everton 1-0 Southampton; Fulham 1-0 West Ham; Ipswich 1-0 Norwich; Luton 1-0 Watford; Middlesbrough 1-0 Reading; Nottm Forest 1-0 Sheffield Wednesday; Oxford 1-0 Peterborough; Preston 1-0 Shrewsbury; Stockport 1-0 Tranmere; Torquay 1-0 Yeovil; Walsley 1-0 Wrexham; Wigan 1-0 Barnsley; Wycombe 1-0 Grimsby; York 1-0 Bury.	
NATIONWIDE LEAGUE: First division: Charlton 1-0 Brentford; Colchester 1-0 Weymouth; Exeter 1-0 Plymouth; Grimsby 1-0 Notts County; Hartlepool 1-0 Lincoln; Huddersfield 1-0 Shrewsbury; Ipswich 1-0 Norwich; Luton 1-0 Watford; Middlesbrough 1-0 Reading; Nottm Forest 1-0 Sheffield Wednesday; Oxford 1-0 Peterborough; Preston 1-0 Shrewsbury; Stockport 1-0 Tranmere; Torquay 1-0 Yeovil; Walsley 1-0 Wrexham; Wigan 1-0 Barnsley; Wycombe 1-0 Grimsby; York 1-0 Bury.	
SECOND DIVISION: Bournemouth 1-0 Plymouth; Bristol City 1-0 Exeter; Colchester 1-0 Weymouth; Grimsby 1-0 Notts County; Hartlepool 1-0 Lincoln; Huddersfield 1-0 Shrewsbury; Ipswich 1-0 Norwich; Luton 1-0 Watford; Middlesbrough 1-0 Reading; Nottm Forest 1-0 Sheffield Wednesday; Oxford 1-0 Peterborough; Preston 1-0 Shrewsbury; Stockport 1-0 Tranmere; Torquay 1-0 Yeovil; Walsley 1-0 Wrexham; Wigan 1-0 Barnsley; Wycombe 1-0 Grimsby; York 1-0 Bury.	
THIRD DIVISION: Cambridge United 1-0 Barnet; Carlisle 1-0 Colchester; Exeter 1-0 Plymouth; Grimsby 1-0 Notts County; Hartlepool 1-0 Lincoln; Huddersfield 1-0 Shrewsbury; Ipswich 1-0 Norwich; Luton 1-0 Watford; Middlesbrough 1-0 Reading; Nottm Forest 1-0 Sheffield Wednesday; Oxford 1-0 Peterborough; Preston 1-0 Shrewsbury; Stockport 1-0 Tranmere; Torquay 1-0 Yeovil; Walsley 1-0 Wrexham; Wigan 1-0 Barnsley; Wycombe 1-0 Grimsby; York 1-0 Bury.	
FOURTH DIVISION: Aldershot 1-0 Bournemouth; Barnet 1-0 Carlisle; Colchester 1-0 Exeter; Grimsby 1-0 Hartlepool; Huddersfield 1-0 Ipswich; Lincoln 1-0 Luton; Middlesbrough 1-0 Nottm Forest; Oxford 1-0 Peterborough; Reading 1-0 Shrewsbury; Stockport 1-0 Torquay; Tranmere 1-0 Walsley; Weymouth 1-0 Wigan; Wrexham 1-0 York.	
FIFTH DIVISION: Bournemouth 1-0 Aldershot; Barnet 1-0 Carlisle; Colchester 1-0 Exeter; Grimsby 1-0 Hartlepool; Huddersfield 1-0 Ipswich; Lincoln 1-0 Luton; Middlesbrough 1-0 Nottm Forest; Oxford 1-0 Peterborough; Reading 1-0 Shrewsbury; Stockport 1-0 Torquay; Tranmere 1-0 Walsley; Weymouth 1-0 Wigan; Wrexham 1-0 York.	
SIXTH DIVISION: Bournemouth 1-0 Aldershot; Barnet 1-0 Carlisle; Colchester 1-0 Exeter; Grimsby 1-0 Hartlepool; Huddersfield 1-0 Ipswich; Lincoln 1-0 Luton; Middlesbrough 1-0 Nottm Forest; Oxford 1-0 Peterborough; Reading 1-0 Shrewsbury; Stockport 1-0 Torquay; Tranmere 1-0 Walsley; Weymouth 1-0 Wigan; Wrexham 1-0 York.	
SEVENTH DIVISION: Bournemouth 1-0 Aldershot; Barnet 1-0 Carlisle; Colchester 1-0 Exeter; Grimsby 1-0 Hartlepool; Huddersfield 1-0 Ipswich; Lincoln 1-0 Luton; Middlesbrough 1-0 Nottm Forest; Oxford 1-0 Peterborough; Reading 1-0 Shrewsbury; Stockport 1-0 Torquay; Tranmere 1-0 Walsley; Weymouth 1-0 Wigan; Wrexham 1-0 York.	
EIGHTH DIVISION: Bournemouth 1-0 Aldershot; Barnet 1-0 Carlisle; Colchester 1-0 Exeter; Grimsby 1-0 Hartlepool; Huddersfield 1-0 Ipswich; Lincoln 1-0 Luton; Middlesbrough 1-0 Nottm Forest; Oxford 1-0 Peterborough; Reading 1-0 Shrewsbury; Stockport 1-0 Torquay; Tranmere 1-0 Walsley; Weymouth 1-0 Wigan; Wrexham 1-0 York.	
NINTH DIVISION: Bournemouth 1-0 Aldershot; Barnet 1-0 Carlisle; Colchester 1-0 Exeter; Grimsby 1-0 Hartlepool; Huddersfield 1-0 Ipswich; Lincoln 1-0 Luton; Middlesbrough 1-0 Nottm Forest; Oxford 1-0 Peterborough; Reading 1-0 Shrewsbury; Stockport 1-0 Torquay; Tranmere 1-0 Walsley; Weymouth 1-0 Wigan; Wrexham 1-0 York.	
TENTH DIVISION: Bournemouth 1-0 Aldershot; Barnet 1-0 Carlisle; Colchester 1-0 Exeter; Grimsby 1-0 Hartlepool; Huddersfield 1-0 Ipswich; Lincoln 1-0 Luton; Middlesbrough 1-0 Nottm Forest; Oxford 1-0 Peterborough; Reading 1-0 Shrewsbury; Stockport 1-0 Torquay; Tranmere 1-0 Walsley; Weymouth 1-0 Wigan; Wrexham 1-0 York.	

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FREQUENCY GUIDE. RADIO 1. FM 97.8-99.8. **RADIO 2.** FM 88.0-90.2. **RADIO 3.** FM 90.2-92.4. **RADIO 4.** FM 92.4-94.6. **FM 198.** MW 720. **RADIO 5 LIVE.** MW 683, 908. **WORLD SERVICE.** MW 648; LW 198 (72.45-5.55am).
CLASSIC FM. FM 100-102. **VIRGIN RADIO.** FM 105.8; MW 1197, 1215. **TALK RADIO.** MW 1063, 1089.
 Television and radio listings compiled by Ian Hughes, Rosemary Smith, Susan Thomson, Jane Gregory and John McManus.

Readers' agony brings a little light ecstasy

Among the trickier aspects of a newspaper agony aunt's job is dealing with all the painful, heartfelt problems sent in by troubled correspondents in a way that shows caring and sensitivity, but which still allows the rest of their newspaper's readership to guffaw derisively at other people's anxieties and failures.

As *The Sun*'s assistant editor explained last night in *Modern Times*: Agony Aunt (BBC2), "Somebody else's sexual problems are always entertaining. If they are not yours, they're great." But one of the many eye-opening highlights of Sally George's documentary was that it turns out to be the lofty broadsheets that treat it all as a laugh and the salacious tabloids that take the industry seriously.

Now I never did say solemnly, did I? In yesterday's *Sun*, for instance, Deirdre Sanders's *Dear Deirdre* column offered telephone help-lines on everything from

"Good erections guide" and "Sex games to play" to "Single-parent pressure". Meanwhile *Deirdre's Photo Casebook* brought us the latest from the bedsheet of Miles and his baby-mad ex, Polly Miles: "I'm going now, Polly. I'm sorry about the way things have turned out. But... well, I'm sure you'll be okay." Polly: "Of course I will, Miles. Don't worry, I'm a big girl. And you know what? She was."

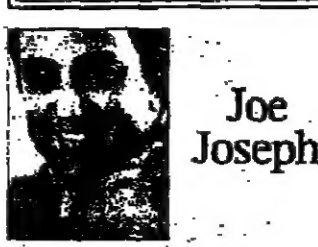
But Sanders employs a team of five writers to deal with the mail — up to 1,000 letters a week. *The Sun* guarantees to reply to every letter: to accelerate the process we see that Deirdre's office is lined with a hive of helpful pigeon-holes marked "premature ejaculation", "marriage-counselling" and "be-reave-ment". To see why it's not all a non-stop giggle you only have to read one of the letters written to Sanders in yesterday's paper: A woman discovered her husband's mobile phone bill and dialled the

numbers: "I spoke to a woman who hung up after telling me I didn't want to know who she was... he'd talked to this woman for 36 minutes at 3am one night."

That doesn't sound like much of a laughing matter. But it must seem like one to Virginia Ironside, agony aunt at *The Independent*. Ironside says that if her correspondents are "chump enough to take my advice, they must be pretty stupid". That must make all those *Independent* readers pleased they wasted a 26p stamp writing to her.

Ironside's agony ethics is that: "You should leave an agony column with a smile on your face. Either because you feel 'Who are these nutters who have all these extraordinary problems?' I don't have them, thank God, or because you've seen all these howls of pain on the page being resolved with a kind of healing answer." What kind of answer? Well, try

REVIEW



Joe Joseph

giving them the same one you gave yesterday, according to *Sky Magazine*'s Karen Krizanovich. "Like doctors and therapists," she says, "we keep getting the same problems over and over again. So once you've learnt how to solve these, once you've got a pattern answer, you just keep cranking it out like so much sausage. It really is money for old rope... It's homespun, honey, motherly, caring and full

of beans. We're not really solving problems. We're telling people information that could probably get if they had half a brain."

We also meet people — many of them so alone and desperate that they had nobody else to turn to but an agony aunt — whose lives were brought back from the brink by help from Sanders and her rivals on other papers. You suspect that this documentary turned out rather less hilarious than the makers might have been anticipating when they dreamt up the idea, but it's none the worse for that.

Not that the job doesn't have its lighter moments. Deirdre once gave some advice that helped a woman reader achieve her first orgasm in 16 years of marriage. Soon afterwards 10,000 letters flooded into *The Sun* from women desperate for copies of the enlightening leaflet. Unfortunately, Deirdre's PO Box number was missing from her column that day. The most promi-

nent write-in address for readers happened to be the PO Box number for *The Sun*'s bingo competition. Weeks later Deirdre received another flood of letters from all those orgasm-free (and now bemused) women wondering how a *Sun* bingo card was supposed to help them achieve orgasm. Had it been men who were having the problem, Deirdre could at least have steered them towards two fat ladies, 88.

Now for a real problem, brought to us last night by *The Mission* (BBC1). "Dear Deirdre, I need to blow up a 300ft-high, steel-framed office building bang in the middle of Pittsburgh, Pennsylvania, to make way for a new department store. My big headache is that the condemned tower block is surrounded by shops and offices. Also, just 150ft away, stands the First Presbyterian Church, which

is not only the oldest church in Pittsburgh but also contains invaluable and irreplaceable stained glass windows designed and built by Tiffany. Any demolition tips?"

The smart tip seems to be to call in the Loxeaus family, who specialise in lacing buildings with dynamite and then exploding them in a way that prevents the skyscraper from keeling over like a tree in a forest. It just crumples instead — as if, on a wet April afternoon in 1997, it had decided it was time to demolish itself and was calling it a day.

Of course, a certain amount of the tension is dissipated by the fact that you assume the Loxeaus team will succeed. But it is a spectacular sight nevertheless. The surprise is that blowing up condemned buildings hasn't become a major sport: men would pay big money to do this. It could become the urban answer to pheasant-shooting.

- BBC1**
- 6.00am Business Breakfast (19056)
 - 7.00am BBC Breakfast News (72940)
 - 9.00am Style Challenge (2181673)
 - 9.25am Change That (2141358)
 - 9.50am Kilroy (1336052)
 - 10.30am Can't Cook, Won't Cook (1823615)
 - 10.55am The Really Useful Show (1080501)
 - 11.35am Real Rooms Simon Blag and the team transform the lounge of Baddesley Clinton Lodge in Warwickshire (1481921)
 - 12.00pm News (7814921)
 - 12.05pm Call My Bluff (5472475)
 - 12.35pm Wipeout (2307365)
 - 1.00pm One O'Clock News (182327)
 - 1.30pm Regional News (154067300)
 - 1.40pm The Weather Show (6332255)
 - 1.45pm Neighbours Hannah stands up for her rights (172247230)
 - 2.10pm Ironside Drama, starring Raymond Burr (1896489)
 - 3.00pm Lion Country The draining of a pond causes problems for the staff (7308)
 - 3.30pm Playdays (7301222) 3.50pm The Littlest Pet Shop (2820209) 4.00pm McGeer and Me (1268834) 4.30pm Julia Jekyll and Harriet Hyde (1505478) 4.55pm The Mask (1543678)
 - 5.00pm Newsround (18461018)
 - 5.10pm Orange Hill Chris and Dill arrange a carol extravaganza, and Sam gets up to his old tricks again (12457458)
 - 5.35pm Neighbours (1) (1807678)
 - 6.00pm Six O'Clock News (1259)
 - 6.30pm Regional News (121)
 - 7.00pm Watchdog with Anne Robinson Consumer investigations with reporters Alice Beer, Johnathan Melford, John Nicolson and Jane Goodall (13993)
 - 7.30pm EastEnders Ian has a disastrous showdown with Nick and Glenn keeps a low profile (1495)
 - 8.00pm Vets in Practice Craig and Alison spend the week before their wedding tending a wheezy Gernsey shepherd and a Yorkshire terrier with suspected cancer (18007)
 - 8.30pm Football Children Ben reports to understand tactics to ensure his football team win the next three matches (15312)
 - 9.00pm Nine O'Clock News (1) weather (4056)
 - 9.30pm Women Drama, starring Pauline Collins and Michelle Collins (23) (1824018) WALES: 9.30pm Mrs Williams in Concert (219698) 10.15pm Real Women (181035) 11.15pm The Mrs Merton Show (332958) 11.40pm Question Time (232327) 12.40am Film: Dead Before Dawn (5085009) 2.10pm News (462273)
 - 12.25pm The Mrs Merton Show (369830)
 - 12.55pm Question Time Panelists in Leeds are Alan Michael, MP, Simon Burns, MP, Clivea Dickson Wright and Peg Alexander (186560)
 - 1.15pm Dead Before Dawn (1983) Thriller, starring Cheryl Ladd, Jason Robards, G.W. Bailey and Keoni Young. Directed by Charles Correll (857679) 1.20pm Weather (1348508)
 - 1.25pm BBC News 24

VideoPlus+ and the Video PlusCode
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- BBC2**
- 8.10am Organisations and Origins (3934834) 8.35am Eryman (122037) 7.00pm See Hear News (1735059)
 - 7.15pm Television (1) (3303389) 7.40pm The Wacky Ringers (1) (3303389) 8.00pm Blue Peter (1) (70921) 8.30pm Burn (1) (6727959) 8.45pm The Record (3303389)
 - 9.10pm Hello was Berlin (4563555) 9.25pm Megamaths (7542385) 9.45pm Come Outside (1839221) 10.00pm Teletubbies (1) (33221) 10.30pm Storyline (1545258) 10.45pm The Experiment (1842267) 11.05pm Space Ark (5218124) 11.15pm Zog (1) (7505051) 11.35pm English File (1482211) 11.55pm Lifestream (1408227) 12.00pm Showcase (8823679)
 - 12.30pm Working Lunch (18211) 1.00pm The Family News (1) (2497425) 1.05pm Tooth Fairy (2496223) 1.10pm The Labour Hour (7818742) 2.10pm Going to the Sun (2214972) 2.40pm News (1) (4823038) 2.45pm Westminster (1) (4538940) 3.25pm News (1) (1944211) 3.30pm How Does Your Garden Grow? New gardening magazine (389)
 - 4.00pm Through the Keyhole (1) (1) (1) (4170259) 4.25pm Heady, Steady, Cook (1410018) 4.35pm Esther, Fab after Fab (1023304) 5.30pm Today's Day (387)
 - 6.00pm Star Trek: Deep Space Nine, Odo and Quark face a nightmare situation on a desolate planet (1930478)
 - 6.45pm Hit, Miss or Maybe Zoe Ball's celebrity guests give their verdicts on three of the latest pop videos (1702259)
 - 7.00pm Third Rock from the Sun Dick wonders how Sally, Tommy and Hany have managed to make so many friends (1) (1) (3719)
 - 7.30pm Regional Programmes (227)
 - 8.00pm Detective Weapons Sean Bean relates the history of the bayonet (1) (1) (6879) WALES: A Welsh Hero!
 - 8.30pm Top Gear The new Toyota, the Peugeot 106 Rallye, plus: can Britain compete when it comes to rap cars? (1) (8414)
 - 9.00pm Superstore The advertising department decide to 'experiment' with political slogans (1) (2698)
 - 9.30pm Horizon Report on the work of Dr Graeme Murray, who tried to induce rainfall from clouds (937306)
 - 10.20pm Dance for the Camera Alison Murray's 'Body Moves' a provocative portrayal of movie mythology (148553)
 - 10.30pm Newsnight (1) (120560)
 - 11.15pm Late Review A review of Madonna's new album *Ray of Light* (181477) 11.55pm Selling Forecast (464501) 12.00pm The Midnight Hour (73419)
 - 12.30am Late Review Zone: Homeing (51709) 1.00pm From a Different Shore (22419) 2.00pm Further Education (43231) 4.00pm Teaching Assistant (72922) 4.30pm Teaching Film and Media (78225) 5.00pm Central Bureau (55186) 5.30pm Teaching Today

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- CARLTON**
- 6.00am GMTV (4005765)
 - 9.25pm Supermarket Sweep (1) (1741178)
 - 9.55pm Regional News (1) (5225263)
 - 10.00pm The Time, The Place (1) (39747)
 - 10.30pm This Morning (1) (41881230)
 - 12.20pm Regional News (1) (8810105)
 - 12.30pm ITN Lunchtime News (1) and weather (2333785)
 - 12.55pm Shortland Street (2318478)
 - 1.25pm Home and Away (1) (4757850)
 - 1.50pm Crossroads (7222053) 2.20pm Chat School (3908105) 2.50pm Vanessa (1) (8900211) 3.20pm News (1) (1949766) 3.25pm Regional News (1) (1948037)
 - 3.30pm Potamus Park (1819355) 3.40pm Wizards (225483) 3.50pm The Forgotten Toys (6032281) 4.00pm The Sylvester and Tweedy Mysteries (1) (3851704) 4.15pm Mike and Angelo (1720037) 4.40pm Carion Time (2180583) 4.45pm Footie (1) (1) (5167259)
 - 5.10pm A Country Practice (2106968)
 - 5.40pm ITN Early Evening News (1) and weather (592211)
 - 6.00pm Home and Away (1) (628260)
 - 6.25pm Regional Weather (17018)
 - 6.30pm Regional News (1) (679)
 - 7.00pm Emeraldale Merion catches Des in a compromising situation (1) (7785)
 - 7.30pm WALES: Wales This Week (563)
 - 7.30pm House Hunters (1) (563)
 - 8.00pm The Bill: Guiding Hand What looks like a case of attempted child abduction is not as simple as it seems (1) (1015)

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- MERIDIAN**
- As HTV West except:
12.55pm-1.25pm A Country Practice (2318478)
5.10-5.40 Shortland Street (2106968)
6.25pm Central News (17596)
6.55-7.00pm Lifestream (3303389)
10.40pm Late Take (561634)
11.40pm Millom (660151)
12.10pm Eastern Mix (8946490)
1.30pm Not Fade Away (75032)
2.30pm Office America (7559954)
2.55pm War of the Worlds (1596167)
3.45pm Eastern Mix (52983)
4.15pm Central Jobcentre '98 (3367681)
5.20pm Asian Eye (1136544)
 - As HTV West except:
12.20pm-12.30pm Illuminations (8810105)
12.55pm Home and Away (2318478)
1.25-1.50pm Emeraldale (94757650)
5.10-5.40pm Home and Away (2106968)
6.00-7.00pm Westcountry Live (23056)
10.30pm Westcountry News (267230)
10.45pm Moments of Passion (602722)
11.15pm Air Ambulance (852445)
11.45pm Midnight Caller (201259)
 - As HTV West except:
12.55-1.25pm Surprise Chefs (2318478)
5.10-5.40pm Shortland Street (2106968)
6.25pm Anglia News (17196)
6.55-7.00pm What's On (563056)
10.40pm Film: 1989 (5290450)
 - Starts: 7.00pm The Big Breakfast (65560)
9.00pm Yagellon (774037)
11.30pm Powerhouse (8259)
12.00pm Ricki Lake (75476)
12.30pm Sesame Street (18679)
1.00pm Slot Mailtrain (47294570)
1.15pm Sam Tan (4728234)
1.40pm David (5401068)
1.40pm Film: The Dark Corner (1691360)
3.30pm Collectors' Lot (785)
4.00pm Fill-in-One (232)
4.30pm Countdown (476)
5.00pm Pump (5563)
5.30pm Bloom (378)
6.00pm Newsnight (370414)
6.10pm Home (945308)
7.00pm Paddy (843230)
7.25pm 'Di Puy' (615196)
8.00pm Pam Fi Dwyer (1747)
8.30pm Newsnight (3582)
9.00pm Out (3679)
10.00pm Monkey (331389)
11.10pm Dispatches (559308)
11.55pm It's Not Unusual (559018)
12.10pm Film: Body Snatchers (100099)

VideoPlus+ and the Video PlusCode
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- CHANNEL 4**
- 7.00pm The Big Breakfast (65560)
 - 9.00pm Schools. History in Action (7541650)
9.20pm Geographical Eye Over Asia (1) (7541650) 9.40pm Understanding Northern Ireland (1) (2648495) 10.00pm Middle English (1) (8877821) 10.15pm World of Faith (8880672) 10.30pm Scientific Eye (1) (451358) 10.50pm Off the Walls (6444853) 11.10pm The Garmen Programme (503389)
 - 11.30pm Powerhouse Political magazine (1) (8259) 12.00pm Sesame Street (75476)
 - 12.30pm Light Lunch With Angela Griffin and Glen Huggill from Coronation Street (1) (35501) 1.30pm The Voice-Over Queen (5409450)
 - 1.45pm Fourteen Hours (1951) Richard Basciani stars as a young man on a high ledge of a New York hotel, threatening to jump. Directed by Henry Hathaway. With Paul Douglas and Barbara Bel Geddes (1302338)
 - 3.30pm Collectors' Lot (785) 4.00pm Fill-in-One (1) (232) 4.30pm Countdown (1) (517018) 4.55pm Ricki Lake (1) (235308) 5.30pm Pat Rescue (1) (378)
 - 6.00pm Roseanne Roseanne ardently awaits the results of a pregnancy test (1) (1) (888)
 - 6.30pm Hollyoaks Teen soap. Lucy snaps at everyone in sight and Rob plays the hero (1) (821)
 - 7.00pm Channel 4 News (1) and weather (73394)
 - 7.50pm LIPPop Pink Sky performs Saving Grace (1) (676292)
 - 8.00pm Mrs Cohen's Money The test in the series investigates the pitfalls and rewards of investment (1) (1747)
 - 8.30pm Bloom Anne Switbank and Bill Chudziak look at the rhododendron family. With visits to Exbury, the home of the Rothschild family, Kew and Aberdeen (1) (5582)
 - 9.00pm Monkey Beyond the Pale The final episode sees Monkey using his energies in building the British Union of Fascists (1) (7741834)

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- CHANNEL 5**
- CHANNEL 5 ON SATELLITE**
Channel 5 is now broadcasting on transponder No 63 on the Astra Satellite. Viewers with a Videocrypt decoder will be able to receive the channel free of charge. Frequencies for transponder No 63 are: pictures, 10.82075 GHz; sound, 10.82 and 7.20 MHz.
- 6.00pm 5 News Early (583872)
 - 7.00pm WideWorld (1) (578056) 7.30pm Milkshake! (527853) 7.35pm Wimpie's House (1) (4004056) 8.00pm HavaKazoo (1) (1739360) 8.30pm Dappledown Farm (1) (1778258)
 - 9.00pm Espresso (5169495) 10.00pm Secret Lives (1) (1722114) 10.30pm Sunset Beach (1) (555003) 11.10pm Leesa (2545679)
 - 12.00pm 5 News (1) (1748747) 12.30pm Family Affairs (1) (1) (6800485) 1.00pm The Bold and the Beautiful (1) (575327) 1.30pm Sons and Daughters (6609768) 2.00pm Beauty and the Beast (5772678) 3.00pm 100 Per Cent Gold (2247330)
 - 3.30pm Great Bank Robbery (1989) with Zero Mostel, Alvin Karpis, Kim Novak and Clint Walker. Comedy-western about a con-man and his pretty assistant who plot to rob a supposedly impenetrable bank. Directed by Hy Averback (237037)
 - 5.20pm Russell Grant's Postcards from Dymchurch Park, Gloucester (3772583)
 - 5.30pm HouseBusters (1) (1762259)
 - 6.00pm 100 Per Cent Quiz show without a host (762872)
 - 6.30pm Family Affairs Annie and Chris visit the clinic for the baby's sex. The baby's behaviour depresses Nick (1) (7673124)
 - 7.00pm 5 News (1) (1719228)
 - 7.30pm Secret Lives Documentary about the wide range of wildlife that survives in the heart of Africa's Ngora Desert (1) (767308)

VideoPlus+ and the Video PlusCode
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- For further listings see Saturday's Vision**
- SKY 1**
- 7.00am Street Stories (90360) 7.30pm Burn in the Hole (78029) 7.40pm The Simpsons (75755) 8.15pm Q&A (444659) 9.00pm Hot (7578) 10.00pm American Idol (1599) 11.00pm Days of Our Lives (2914) 12.00pm The Mrs Merton Show (332958) 12.30pm MCA's-H (1421) 1.00pm Gordo (4647) 2.00pm Sally Jessy Raphael (5030) 3.00pm Jerry Jones (5234) 4.00pm Oprah (67134) 5.00pm Star Trek: The Next Generation (6542) 6.00pm The Live Show (7333) 6.30pm Married with Children (1105) 7.00pm The Simpsons (592) 7.30pm The Simpsons (592) 8.00pm The Simpsons (592) 8.30pm The Simpsons (592) 9.00pm The Simpsons (592) 9.30pm The Simpsons (592) 10.00pm The Simpsons (592) 10.30pm The Simpsons (592) 11.00pm Star Trek: The Next Generation (6542) 11.30pm The Simpsons (592) 12.00pm The Simpsons (592) 12.30pm The Simpsons (592) 1.00am The Simpsons (592) 1.30am The Simpsons (592) 1.50am The Simpsons (592) 2.00am The Simpsons (592) 2.30am The Simpsons (592) 3.00am The Simpsons (592) 3.30am The Simpsons (592) 4.00am The Simpsons 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